



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 31] नई दिल्ली, जुलाई 24—जुलाई 30, 2011, शनिवार/श्रावण 2—श्रावण 8, 1933
No. 31] NEW DELHI, JULY 24—JULY 30, 2011, SATURDAY/SRAVANA 2—SRAVANA 8, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन-के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 15 जुलाई, 2011

का.आ.1966.—राष्ट्रपति, श्री गोपाल सुब्रह्मण्यम, वरिष्ठ अधिवक्ता का दिनांक 14 जुलाई, 2011 (अपराहन) से भारत के महासॉलिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(3)2009-न्यायिक]

टी. एन. तिवारी, संयुक्त सचिव एवं विधि सलाहकार
MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

New Delhi, the 15th July, 2011

S.O.1966.—The President is pleased to accept the resignation of Shri Gopal Subramaniam, Senior Advocate as Solicitor General of India with effect from 14th July, 2011 (AN).

[E.No. 18(3)2009-Judl.]

T. N. TIWARI, Jt. Secy. & Legal Adviser

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1967.—केन्द्रीय सरकार एतद्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 की अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्य प्रदेश उच्च न्यायालय, जबलपुर में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा अन्वेषण किए जाने वाले अभियोजन, अपीलों, पुनरीक्षणों या अन्य मामलों से उद्भूत मामलों का संचालन करने के लिए श्री आर. के. सामैया, एडवोकेट को दिल्ली विशेष पुलिस स्थापना (केन्द्रीय अन्वेषण ब्यूरो) के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/24/2011-एवीडी-II]

राजीव जैन, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS**

(Department of Personnel and Training)

New Delhi, the 18th July, 2011

S.O. 1967.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri R. K. Samaiya, Advocate, as Special Public Prosecutor of the Delhi Special Police Establishment (Central Bureau of Investigation) in the Madhya Pradesh High Court at Jabalpur for conducting the prosecution appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment (CBI).

[F.No. 225/24/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1968.—केन्द्रीय सरकार एतद्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली उच्च न्यायालय, नई दिल्ली में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा अन्वेषण किए जाने वाले अभियोजन, अपीलों, पुनरीक्षणों या अन्य मामलों से उद्भूत मामलों का संचालन करने के लिए सर्वश्री प्रदीप कुमार शर्मा तथा पवन कुमार बहल, वकीलों को दिल्ली विशेष पुलिस स्थापना (केन्द्रीय अन्वेषण ब्यूरो) के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/27/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 18th July, 2011

S.O. 1968.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/Shri Pradeep Kumar Sharma and Pawan Kumar Bahl Advocate, as Special Public Prosecutor of the Delhi Special Police Establishment (Central Bureau of Investigation) in Delhi High Court at New Delhi for conducting the prosecution appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment (CBI).

[F.No. 225/27/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 19 जुलाई, 2011

का.आ. 1969.—केन्द्रीय सरकार एतद्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित मामलों के अभियोजन के लिए गुजरात राज्य, गांधीनगर में विधि द्वारा स्थापित परीक्षण न्यायालयों और पुनरीक्षण अथवा अपीलीय न्यायालयों में इन मामलों के अपीलों, पुनरीक्षणों अथवा इन मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नलिखित अधिवक्ताओं को विशेष लोक अभियोजक के रूप में नियुक्त करती है :-

क्र. सं. सर्वश्री

1. नरेंद्र शिवराम दीक्षित
2. भाग्योदय मिश्रा
3. गुप्ता विनोद कुमार भगवान लाल

[फा. सं. 225/4/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 19th July, 2011

S.O. 1969.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutor for conducting the Prosecution of the cases instituted by the Delhi Special Police Establishment (C. B. I.) in the State of Gujarat at Gandhinagar as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law:-

S.No S/Shri

1. Narendra Shivram Dixit
2. Bhagyodaya Mishra
3. Vinod Kumar Bhagwan Lal Gupta

[F.No. 225/4/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 15 जुलाई, 2011

का. आ. 1970.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 (ज) और

(3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री संजीव कुमार अरोड़ा (जन्म तिथि 20-4-1962), को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब एंड सिंध बैंक के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 6/59/2010-बीओ-1]

विजय मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 15th July, 2011

S. O. 1970.—In exercise of the powers conferred by of sub-section 3(h) and (3-A) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Sanjiv Kumar Arora (DoB : 20-4-1962) as part-time non-official Director on the Board of Directors of Punjab and Sind Bank for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F.No. 6/59/2010-BO-1]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 18 जुलाई, 2011

का. आ. 1971.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्रीमती उषा अनंतसुब्रह्मण्यन (जन्म तिथि 1-10-1958), वर्तमान में महाप्रबंधक, बैंक आफ बड़ौदा को उनके पदभार ग्रहण करने की तारीख से पांच वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब नेशनल बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2010-बीओ-1]

समीर के. सिन्हा, निदेशक

New Delhi, the 18th July, 2011

S. O. 1971.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Smt. Usha Ananthasubramanian (DoB : 1-10-1958) presently General Manager, Bank of Baroda as Executive Director Punjab National Bank for a period of five years with effect from the date of her taking charge of the post or until further orders, whichever is earlier.

[F.No. 4/5/2010-BO-1]

SAMIR K. SINHA, Director

नई दिल्ली, 19 जुलाई, 2011

का.आ. 1972.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री देवेश्वर नारायण सिंह (जन्म तिथि 13-11-1956) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इलाहाबाद बैंक के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 6/54/2010-बीओ-1]

समीर के. सिन्हा, निदेशक

New Delhi, the 19th July, 2011

S. O. 1972.—In exercise of the powers conferred by sub-section 3 (h) and (3-A) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Deveshwar Narain Singh (DoB : 13-11-1956) as part-time non-official Director on the Board of Directors of Allahabad Bank for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F.No. 6/54/2010-BO-1]

SAMIR K. SINHA, Director

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 8 जुलाई, 2011

क्र. आ. 1973.—इस मंत्रालय की दिनांक 25 मई, 2011 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री को. सी. शेखर बाबू को तत्काल प्रभाव से तीन वर्षों की अवधि या अगले आदेशों तक, केन्द्रीय फिल्म प्रमाणन बोर्ड, के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/2/2010-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 8th July, 2011

S. O. 1973.—In continuation of this Ministry's Notification of even No. dated 25th May, 2011 and in exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri K. C. Sekhar Babu as member of the Central Board of Film Certification, with immediate effect for a period of three years or until further orders.

[F.No. 809/2/2010-F(C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 11 जुलाई, 2011

क्र. आ. 1974.—इस मंत्रालय की दिनांक 11-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री संतोष दास, 'स्वागत' पैन्था निवास के पास, बक्सी बाजार, कटक-753001 (उड़ीसा) को दो वर्ष की अवधि या अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड, के कटक सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/4/2008-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 11th July, 2011

S.O. 1974.—In continuation of this Ministry's Notification of even number dated 11-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rule 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Santosh Das, 'Swagat', Near Pantha Nivas, Buxi Bazar, Cuttack-753001 (Orissa) as member of the Cuttack Advisory panel of the Central Board of Film Certification, with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/4/2008-F(C)]

AMITABH KUMAR, Director (Films)

नागर विमानन मंत्रालय

नई दिल्ली, 12 जुलाई, 2011

क्र. आ. 1975.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम 1976 के नियम-10 के उप नियम (4) के अनुसरण में नागर विमानन मंत्रालय के प्रशासनिक नियंत्रणाधीन उपक्रम, भारतीय विमानपत्तन प्राधिकरण के श्रीनगर स्थित हवाई अड्डा, श्रीनगर को जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्द्वारा अधिसूचित करती है।

[सं. ई- 11011/10/2010-रा.भा.]

रोहित नन्दन, संयुक्त सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 12th July, 2011

S. O. 1975.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976 the Central Government, hereby notifies the Office of the Airports Authority of India, Srinagar Airport, Srinagar an undertaking under the administrative control of Ministry of Civil Aviation, whereof, more than 80% staff have acquired the working knowledge of Hindi.

[No. E-11011/10/2010-O.L.]

ROHIT NANDAN, Jt. Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य तथा परिवार कल्याण विभाग)

नई दिल्ली, 10 मई, 2011

का. आ. 1976.—केंद्र सरकार, दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, नामतः—

2. रामा दन्त चिकित्सा महाविद्यालय अस्पताल एवं अनुसंधान केन्द्र, कानपुर के संबंध में डॉ. भीम राव अम्बेडकर विश्वविद्यालय, आगरा द्वारा प्रदान की जा रही दन्त चिकित्सा डिग्रियों से संबंधित दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में, क्रम संख्या 58 के बाद मौजूद कॉलम 2 तथा 3 की प्रविष्टियों में इसके पश्चात् निम्नलिखित प्रविष्टियों को अंतर्विष्ट किया जाएगा :—

“मास्टर ऑफ डेंटल सर्जरी

- (ii) कनजरवेटिव डेन्टिस्टरी एवं एन्डोडोन्टिक्स
(यदि दिनांक 10-8-2010 को अथवा
इसके बाद प्रदान की गई हो)

एमडीएस (कनजरवेटिव डेन्टिस्टरी एवं एन्डोडोन्टिक्स)
डॉ. भीम राव अम्बेडकर विश्वविद्यालय, आगरा”

[सं. वी.-12017/44/2003-डी ई]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 10th May, 2011

S. O. 1976.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 and 3 against Serial No. 58, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Dr. Bhim Rao Ambedkar University, Agra, the following entries in respect of Rama Dental College Hospital and Research Centre, Kanpur, shall be inserted thereunder :—

“Master of Dental Surgery

- (i) Conservative Dentistry and Endodontics
(if granted on or after 10-8-2010)

MDS (Cons. Dentistry and Endodontics)
Dr. Bhim Rao Ambedkar University, Agra.”

[No. V. 12017/44/2003-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 23 मई, 2011

का.आ. 1977.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद, उक्त अधिनियम की द्वितीय अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है, नामतः—

प्रथम अनुसूची में “एम.जे.पी. रोहिलखण्ड विश्वविद्यालय, उत्तर प्रदेश” के समक्ष ‘मान्यताप्राप्त चिकित्सा अर्हता’ [कालम (2)] शीर्षक के अन्तर्गत और पंजीकरण के लिए संक्षिप्त रूप [कालम (3)] शीर्षक के अन्तर्गत निम्नलिखित प्रविष्टियों को अंतर्विष्ट किया जाएगा नामतः—

(2)	(3)
बैचलर ऑफ मेडिसिन एण्ड बैचलर ऑफ सर्जरी	एमबीबीएस (रोहिलखण्ड मेडिकल कालेज एवं अस्पताल, बरेली, उत्तर प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में एम.जे.पी. रोहिलखण्ड विश्वविद्यालय, बरेली उत्तर प्रदेश द्वारा मार्च, 2011 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यताप्राप्त होगी)
	[सं. यू-12012/231/2005-एम ई (पी-II) खण्ड IV]
	अनिता त्रिपाठी, अवर सचिव

New Delhi, the 23rd May, 2011

S.O. 1977.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against “M.J.P. Rohilkhand University, Bareilly, Uttar Pradesh” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading “Abbreviation for Registration” [in column (3)], the following shall be inserted, namely :—

(2)	(3)
Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (This shall be a recognized medical qualification when granted by M.J.P. Rohilkhand University, Bareilly, Uttar Pradesh in respect of students trained at Rohilkhand Medical College and Hospital, Bareilly, Uttar Pradesh on or after March 2011)

[No. U-12012/231/2005-ME (P-II) Vol. IV]

ANITA TRIPATHI, Under Secy.

उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1978.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं, को लाइसेंस प्रदान किए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3723964	3-5-2011	कुणाल आर्ट ज्वेलर्स जैन देरासर चौक, चांदी बाजार, जामनगर, गुजरात-361001	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण/ शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	—	—	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3724360	3-5-2011	नितको पम्प रूडा ट्रांसपोर्ट नगर के पीछे, सोखडा खोडियार पार्क, प्लॉट नं. 100, राजकोट, गुजरात	सबमर्सिबल पम्पसेट्स आईएस 8034	-	-	-	2002
3.	3724865	4-5-2011	एल्कोप इंडस्ट्रीज प्लॉट नं. जी-1838, रोड एल, कृष्णा गेट, जीआईडीसी, ग्राम - मेटोदा, तालुका- लोडिका, जिला - राजकोट, गुजरात - 360021	पीवीसी रोधित केबल आईएस 694	-	-	-	1990
4.	3726465	10-5-2011	श्रीनाथजी ज्वेलर्स अम्बावाडी रोड, राम नगर रोड के, सामने, केशोड, जिला-जूनागढ़ गुजरात-362220	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
5.	3726566	10-5-2011	चोक्सी बेचारभाई कालाभाई चोक्सी बाजार, जिला-जूनागढ़, गुजरात-360005	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
6.	3727972	12-5-2011	हरिहर एग्रो इंटरप्राइज परफेक्ट शोरूम के समीप, एनएच 8बी, गोण्डल रोड, राजकोट - 360005	pumps-vertical turbine mixed and axial flow, for clear cold water	आईएस 1710	-	-	1989
7.	3728065	18-5-2011	जीनस इलेक्ट्रोटेक लि. सर्वे नं. 43, मेघपर बोरीची, गलपादर रोड, तालुका -अंजार, जिला-कच्छ, गुजरात-370110	Self ballasted lamps for general lighting services (part- 1 and part -2)	आईएस 15111	-	-	2002
8.	3729067	20-5-2011	गुजरात फोर्जिंग्स लि. आजी इंडस्ट्रियल इस्टेट, भावनगर रोड, राजकोट-360003	परफॉर्मेस ऑफ स्मॉल साईज स्पार्क इंजनीसन इंजंस	आईएस 7347	-	-	1974
9.	3729572	23-5-2011	रूसाका प्लाई इंडिया प्लॉट नं. 286, वार्ड 12-सी, लीलाशाह नगर, गांधीधाम, जिला-कच्छ, गुजरात- 370201	ब्लॉक बोर्ड	आईएस 1659	-	-	2004
10.	3729774	27-5-2011	रूसाका प्लाई इंडिया सर्वे नं. 258/1, ग्राम -नानी चौराय, तालुका -भाचाड, जिला-कच्छ, गुजरात- 370140	सामान्य प्रयोजनों के लिए प्लाईवुड	आईएस 303	-	-	1989

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	3730355	31-5-2011	पटीदार ज्वेलर्स शॉप न. 10, 11, साधना कॉम्प्लेक्स, खापर रोड, मोरबी, जिला-राजकोट, गुजरात-363641	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999

[सं. के.प्र.वि./13:11]

ए. बी. भांडुत, निदेशक

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****BUREAU OF INDIAN STANDARDS**

New Delhi, the 18th July, 2011

S.O. 1978.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given below in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3723964	3-5-2011	Kunal Art Jewellers Jain Derasar Chowk, Chandi Bazar, Jamnagar, Gujarat - 361001	Gold and gold alloys, Jewellery/ artefacts-fineness and marking -	IS 1417	-	-	1999
2.	3724360	3-5-2011	Nitco Pumps Behind Ruda Transport pumpsets - Nagar, Sokhada Khodiyar Park, Plot No. 100, Rajkot, Gujarat	Submersible	IS 8034	-	-	2002
3.	3724865	4-5-2011	Alcop Industries Plot No. G-1838, Road L, Krishna Gate, Gidc, Village Metoda, Taluka Lodhika Rajkot, Gujarat - 360021	PVC insulated cables for working voltages upto and including 1100 v	IS 694	-	-	1990
4.	3726465	10-5-2011	Shrinathji Jewellers. Aamba Vadi Road, Opp Ram Nagar, Keshod, Junagadh Gujarat - 362220	Gold and gold alloys, Jewellery/ artefacts-fineness and marking -	IS 1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3726566	10-5-2011	Choksi Becharbhai. Kalabhai Choksi Bazar, Dist. Junagadh, Gujarat - 362001	Gold and gold alloys, Jewellery/ artefacts-fineness and marking -	IS 1417	-	-	1999
6.	3727972	12-5-2011	M/s. Harihar Agro Enterprise, Nr. Perfect Showroom, NH 8B, Gondal Road, Rajkot, Gujarat - 360005	Pumps-vertical turbine mixed and axial flow, for clear cold water	IS 1710	-	-	1989
7.	3728065	18-5-2011	Genus Electrotech Ltd. Survey No. 43, Meghpar Borichi, Galpadar Road, Taluka Anjar, Dist. Kachchh, Gujarat - 370110	Self ballasted lamps for general lighting services (part-1 and part-2)	IS 15111	-	-	2002
8.	3729067	20-5-2011	Gujarat Forgings Limited Aji Industrial Estate Bhavnagar Road, Rajkot, Gujarat - 360003	Performance of small size spark ignition engines	IS 7347	-	-	1974
9.	3729572	23-5-2011	Russaka Ply India Plot No. 286, Ward 12-C, Lilashah Nagar, Gandhidham, Dist. Kachchh, Gujarat - 370201	Block boards	IS 1659	-	-	2004
10.	3729774	27-5-2011	Russaka Ply India Survey No. 258/1, Village Nani Chirai, Taluka Bhachau, Dist. Kachchh, Gujarat - 370140	Plywood for general purposes	IS 303	-	-	1989
11.	3730355	31-5-2011	Patidar Jewellers Shop No. 10, 11 Sadhna Complex, Ravapar Road, Morbi, District Rajkot, Gujarat - 363641	Gold and gold alloys, Jewellery/ artefacts-fineness and marking -	IS 1417	-	-	1999

[No. CMD/13 : 11]

A. B. BHANDUT, Director

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1979.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं, को लाइसेंस प्रदान किए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3730759	3-6-2011	बंसी ज्वेलर्स दुकान सं. 2, विकास गृह के समीप, पटेल कॉलोनी, मेन रोड, जामनगर, गुजरात-361008	स्वर्ण एवं स्वर्ण मिश्र-धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	—	—	1999
2.	3730860	3-6-2011	अलंकार ज्वेलर्स लिमडा चौक, मालिया-हटीना, जूनागढ़, गुजरात-362245	स्वर्ण एवं स्वर्ण मिश्र-धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	—	—	1999
3.	3731256	3-6-2011	जय खोडियार मैनुफैक्चर्स नूतन आदिवासी कॉलोनी, मवडी बाई पास, मेघानी वाडी स्ट्रीट, मवडी गाम, राजकोट - 360005	एक फेजी छोटे एसी और यूनी बिजली की मोटर	आईएस 996	—	—	2009
4.	3731458	3-6-2011	दर्शन इंजीनियरिंग का. श्री हरि इंडस्ट्रियल ज़ोन, प्लॉट नं.-5, स्ट्रीट नं.-9, राजकोट-360003	सबमर्सीबल पम्पसेट्स	आईएस 8034	—	—	2002
5.	3731559	6-6-2011	वेल्सपन कोर्प लि. वेल्सपन सीटी, सर्वे नं. 659, ग्राम-वर्सामेडी, अंजार भवाउ रोड, तालुका- अंजार, जिला-कच्छ, गुजरात-371110	वेल्डित नलियों और पाइप के तप्त वेल्डित इस्पात पत्ती -विशिष्ट	आईएस 10748	—	—	2004
6.	3732460	10-6-2011	नटराज पॉलीप्लास्ट प्रा.लि. सर्वे नं. 168, प्लॉट नं. 23, पटेल इंडस्ट्रियल एरिया, रेलवे ओवर ब्रिज के समीप, वीरानी अघात के सामने, डेबर रोड (दक्षिण) के अंत में, कोठारिया, राजकोट - 360002	पेय जल आपूर्ति हेतु उच्च घनत्व पॉलीइथाइलीन पाइप	आईएस 4984	—	—	1998
7.	3733967	13-6-2011	त्रिरंगा सिमेंट इंडस्ट्रीज सर्वे नं. 116/1, चराखादी पट्टीया के सामने, ग्राम-गोमता, तालुका- गोंडल, राजकोट, गुजरात	53 ग्रेड की साधारण पोर्टलैंड सीमेंट	आईएस 12269	—	—	1987
8.	3733563	14-6-2011	जैन ईरीगेशन सिस्टम लि. सर्वे नं. 215, घंगाजी, तालुका-सिहोर, जिला - भावनगर, गुजरात- 364240	ईरीगेशन पाइप सिस्टम	आईएस 13488	—	—	2008

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	3733462	14-6-2011	जैन ईरीगेशन सिस्टम लि. सर्वे नं. 215, घंगाजी, तालुका- सिहोर, जिला - भावनगर, गुजरात- 364240	सिंचाई उपस्कर- छलनी टाइप फिल्टर -विशिष्ट	आईएस 12786	-	-	1989
10.	3733664	14-6-2011	जैन ईरीगेशन सिस्टम लि. सर्वे नं. 215, घंगाजी, तालुका- सिहोर, जिला - भावनगर, गुजरात- 364240	सामान्य प्रयोजनों के लिए प्लाईवुड	आईएस 14151	पार्ट-1	-	1999
11.	3734262	14-6-2011	मगध एग्रो प्रोडक्ट प्लॉट नं. 46, डेबर रोड(द.), आरती सोसायटी-2, अतीका, राजकोट-360002	सबमर्सिबल पम्पसेट्स	आईएस 8034	-	-	2002
12.	3734363	15-6-2011	आदित्य ज्वेलर्स दुकान सं. 2, हरिकृष्णा कॉम्प्लेक्स, ब्रह्मनियामारा, रणछोरनगर के समीप, बेदीपरा, राजकोट-360003	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
13.	3734464	15-6-2011	चोक्सी वनरावनदास लक्ष्मीचंद मेन बाजार, बाजार लाईन, गोमती स्ट्रीट के सामने, राजकोट, गुजरात-363641	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
14.	3734565	15-6-2011	शिव शक्ति ज्वेलर्स 2, गोल्डन चेम्बर्स, हवेली शरी, सावरकुंडला, जिला -अमरेली, गुजरात-364515	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
15.	3735870	22-6-2011	लुहार घेलाभाई काराभाई एण्ड संस बाल मंदिर के समीप, पोस्ट ऑफीसर रोड, जामजोधपुर, जामनगर, गुजरात-360530	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
16.	3735971	22-6-2011	श्री नाथजी ज्वेलर्स मेन मार्केट, तलाला, जिला- जूनागढ़, गुजरात-362150	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण / शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999
17.	3736670	23-6-2011	रॉयल बिबरेन्स प्लॉट नं. 29, वार्ड नं. 6, इंडस्ट्रियल एरिया, गुरुवाड़ा के समीप, जिला - कच्छ, गुजरात-370201	बोतल बंद पानी (प्राकृतिक खनिज पदार्थ के अतिरिक्त जल)	आईएस 14543	-	-	2004
18.	3737369	16-6-2011	सिनटैक्स इंडस्ट्रीज लि. सर्वे नं. 1231, 1211/1, 1223, 1224, एनएच 8ए, बचाउ, जिला-कच्छ, गुजरात-370140	Upvc pipes for soil and waste dis- charge systems inside buildings including ventilation and rainwater system	आईएस 13592	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
19.	3738169	24-6-2011	फाल्कॉन पम्पस प्रा. लि. सर्वे नं. 39/4, वावडी इंडस्ट्रियल एरिया, कृष्णा पार्क के पीछे, वावडी, राजकोट-360004	खुले कूर्ए के लिए सबमर्सीबल पम्पसेट्स	आईएस 14220	-	-	1994
20.	3738371	29-6-2011	हेमू ज्वेलर्स दुकान सं. 8, लेडवा पटेल समाजवाडी, रंजीत नगर, जामनगर, गुजरात-361005	स्वर्ण एवं स्वर्ण मिश्र- धातुएं, आभूषण/ शिल्पकारी, शुद्धता एवं मुहरांकन - विशिष्ट	आईएस 1417	-	-	1999

[सं. के.प्रवि./13: 11]

ए. बी. भांडूत, निदेशक

New Delhi, the 18th July, 2011

S.O. 1979.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given below in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3730759	3-6-2011	Bansi Jewellers Shop No.2, Near Vikas Gruh, Patel Colony, Main Road, Jamnagar, Gujarat-361008	Gold and gold alloys, Jewellery/ artefacts-fineness and marking -	IS 1417	-	-	1999
2.	3730860	3-6-2011	Alankar Jewellers, Limda Chok, Maliya- Hatina, Junagadh Gujarat - 362245	Gold and gold alloys, jewellery/ artefacts-fineness and marking	IS 1417	-	-	1999
3.	3731256	3-6-2011	Jaykhodiyar Manufactures, Nutan Adivasi Colony, Mavadi Bye Pass, Meghani Wadi Street, Mavadi Gam, Rajkot - 360005	Single-phase small ac and universal electric motors	IS 996	-	-	2009
4.	3731458	3-6-2011	Darshan Engineering Co., Shri Hari Industrial Zone, Plot No. 5 Street No. 9 Rajkot - 360003	Submersible pumpsets	IS 8034	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3731559	6-6-2011	Welspun Corp. Limited, Hot-rolled steel Welspun City, strip for welded Survey No.659, tubes and pipes Village Varsamedi, Anjar Bhachau Road, Taluka Anjar, District Kachchh Gujarat - 371110	IS 10748	-	-		2004
6.	3732460	10-6-2011	Natraj Polyplast Pvt. Ltd., Survey No. 168, Plot No.23, Patel Industrial, supplies Area, Nr. Railway Over Bridge, B/H Virani Aghat, End of Dhebar Road, (South), Kothariya Rajkot - 360002	High density polyethylene pipes for potable water supplies	IS 4984	-	-	1995
7.	3733967	13-6-2011	Triranga Cement Industries, Survey No. 116/1, Opp. Charakhadi Patia, Village Gomta, Taluka Gondal, District Rajkot, Gujarat	53 grade ordinary portland cement	IS 12269	-	-	1987
8.	3733563	14-6-2011	Jain Irrigation systems Ltd. Survey No. 215, At & PO- Ghangali, Taluka, Sihor District Bhavnagar, Gujarat - 364240	Emitting pipes system	IS 13488	-	-	2008
9.	3733462	14-6-2011	Jain Irrigation Systems Ltd., Survey No. 215, At & PO- Ghangali, Taluka, Sihor District Bhavnagar, Gujarat - 364240	Irrigation Equipment - Polyethylene pipes for irrigation laterals	IS 12786	-	-	1989
10.	3733664	14-6-2011	Jain Irrigation Systems Ltd. Survey No. 215, At & PO- Ghangali, Taluka, Sihor District Bhavnagar, Gujarat - 364240	Irrigation Equipment - sprinkler pipes - Part I : Polyethylene pipes	IS 14151	Part-1	-	1999
11.	3734262	14-6-2011	Magdh Agro Product, Plot No. 46, Dhebar Road (S), Arti Society -2, Atika, Rajkot- 360002	Submersible pumpsets	IS 8034	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
12.	3734363	15-6-2011	Aditya Jewellers. Shop No. 2, Hari- krushna Complex, Brahmaniyapara, Above Ranchhodnagar, Bedipara, Rajkot-360003	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	IS 1417	-	-	1999
13.	3734464	15-6-2011	Choksi Vanravandas Laxnichand, Main Bazar, Bazar Line, Opp. Gamot Street, Morbi, District Rajkot Gujarat-363641	Gold and gold alloys, Jewellery/ artefacts—fineness and marking -	IS 1417	-	-	1999
14.	3734565	15-6-2011	Shiv Shakti Jewellers, 2, Golden Chambers, Haveli Sheri, Savarkundla, Amreli, Gujarat-364515	Gold and gold alloys, Jewellery/ artefacts—fineness and marking -	IS 1417	-	-	1999
15.	3735870	22-6-2011	Luhar Ghelabhai Karabhai & Sons, Near Bal Mandir, Post Officer Road, Jamjodhpur, District Jamnagar, Gujarat -360530	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	IS 1417	-	-	1999
16.	3735971	22-6-2011	Shri Nathji Jewellers, Main Market, Talala, District Junagadh, Gujarat -362150	Gold and gold alloys, Jewellery/ artefacts—fineness and marking -	IS 1417	-	-	1999
17.	3736670	23-6-2011	Royal Beverages, Plot No. 29, Ward-6, Industrial Area, Near Gurudwara, Gandhidham, District Kachchh, Gujarat -370201	Packaged drinking water (other than packaged natural mineral water)-	IS 14543	-	-	2004
18.	3737369	16-6-2011	Sintex Industries Ltd., Survey No. 1231, 1211/1, 1223, 1224, NH 8A, Bhachau, District Kachchh, Gujarat -370140	Upvc pipes for soil and waste discharge systems inside buildings including ventilation and rainwater system	IS 13592	-	-	1992
19.	3738169	24-6-2011	Falcon Pumps Pvt. Ltd., Survey No. 39/4, Vavdi Industrial Area, Behind Krishna Park, At Vavdi, Rajkot- 360004	Openwell submersible pumpsets	IS 14220	-	-	1994
20.	3738371	29-6-2011	Hemu Jewellers, Shop No. 8, Leuva Patel Samajvadi, Ranjit Nagar District Jamnagar, Gujarat- 361005	Gold and gold alloys, Jewellery/ artefacts—fineness and marking -	IS 1417	-	-	1999

[No. CMD/13 : 11]

A. B. BHANDUT, Director

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1980—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 11816 (भाग 2): 2009/आई एस ओ 6322-2: 2000 अनाज एवं दालों का भंडारण भाग 2 व्यावहारिक अनुशंसाएँ (पहला पुनरीक्षण)	आई एस 11816(भाग 2):1986/आई एस ओ 6322-2: 1981	31 दिसंबर 2009

इन भारतीय मानक(कों) की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ: एफएडी/जी-128]

डॉ. आर. के. बजाज, वैज्ञानिक “एफ” एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 18th July, 2011

S.O. 1980.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. & year of Indian Standards, if any Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 11816 (Part 2): 2009/ISO 6322-2: 2000 Storage of cereals and pulses Part 2 Practical recommendations (first revision)	IS 11816 (Part 2): 1986/ISO 6322-2: 1981	31 December, 2009

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: FAD/G-128]

Dr. R.K. BAJAJ, Scientist “F” & Head (Food & Agri.)

कोयला मंत्रालय

नई दिल्ली, 20 जुलाई, 2011

का.आ. 1981.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन एवं विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत सरकार ने कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना, संख्यांक का.आ. 1582 तारीख 15 जून, 2010, जो भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii), तारीख 26 जून, 2010 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 974.048 हेक्टर (लगभग) या 2406.87 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार को यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि के भाग में कोयला अभिप्राप्त है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमि का अर्जन करने की अपने आशय की सूचना देती है;

(क) इससे उपाबद्ध अनुसूची "क" में वर्णित 949.240 हेक्टर (लगभग) या 2345.56 एकड़ (लगभग) माप की खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार;

(ख) इससे उपाबद्ध अनुसूची-"ख" में वर्णित 11.88 हेक्टर (लगभग) या 29.35 एकड़ (लगभग) माप की उक्त भूमि के सभी अधिकार ।

टिप्पण : 1. इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/जीएम/पीएलजी/लैंड/401, तारीख 12 जनवरी, 2011 का निरीक्षण कलेक्टर, जिला-कोरिया (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट, कोलकाता- 700 001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुपात) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

टिप्पण : 2. उक्त अधिनियम की धारा 8 की उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिसमें निम्नलिखित उपबंध हैं -

अर्जन की बाबत आपत्तियाँ :-

"8(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध है, अधिसूचना के जारी किए जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा ।

स्पष्टीकरण:

1. इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जायेगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रियाएं करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए ।
2. उपधारा (1) के अधीन प्रत्येक आपत्ति संक्षम अधिकारी को लिखित रूप में की जा जाएगी और संक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जाँच यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़े या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा ।
3. इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जायेगा जो प्रतिकर में हित का दावा करने का हकदार होगा यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं । "

टिप्पण: 3. केन्द्रीय सरकार ने कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट, कोलकाता - 700 001 को भारत के राजपत्र भाग II , खंड-3, उपखंड (ii) तारीख 4 अप्रैल, 1987 में प्रकाशित अधिसूचना संख्या का. आ. 905, तारीख 20 मार्च, 1987 उक्त अधिनियम की धारा 3 के द्वारा संक्षम प्राधिकारी नियुक्त किया है ।

अनुसूची - क

चरछा व चरछा पश्चिम यूजी ब्लॉक

बैकुण्ठपुर क्षेत्र, जिला - कोरिया (छत्तीसगढ़)

(रेखांक संख्या एसईसीएल/बीएसपी/जीएम/पीएलजी/लैंड/401, तारीख 12 जनवरी, 2011)

खनन अधिकार :

ब्लॉक-I :

(क) राजस्व भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	कटघोरी	8	31	सोनहत	कोरिया	148.690	भाग
2.	मधोरा	9	174	सोनहत	कोरिया	133.430	भाग
3.	नौगई	9	141	सोनहत	कोरिया	199.030	भाग
4.	कुशमहा	8	42	सोनहत	कोरिया	41.740	भाग
5.	प्रकाशपुर	9	146	सोनहत	कोरिया	12.640	भाग
6.	पुसला	8	158	सोनहत	कोरिया	8.410	भाग
7.	फाड़पारा	9	151	सोनहत	कोरिया	18.360	भाग

कुल :- 562.300 हेक्टर (लगभग) या 1389.44 एकड़ (लगभग)

(ख) राजस्व वन भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	कटघोरी	8	31	सोनहत	कोरिया	5.760	भाग
2.	मधोरा	9	174	सोनहत	कोरिया	25.930	भाग
3.	नौगई	9	141	सोनहत	कोरिया	8.590	भाग
4.	कुशमहा	8	42	सोनहत	कोरिया	9.990	भाग
5.	प्रकाशपुर	9	146	सोनहत	कोरिया	0.370	भाग
6.	पुसला	8	158	सोनहत	कोरिया	1.170	भाग

कुल :- 51.810 हेक्टर (लगभग) या 128.02 एकड़ (लगभग)

(ग) वन भूमि :

क्र.सं.	वन का नाम	वन का प्रकार	उपखंड संख्या	रेन्ज	वनमण्डल	क्षेत्र हेक्टर में	टिप्पणियां
1.	कछारडांड	आरक्षित वन	415	बैकुण्ठपुर	कोरिया	187.190	भाग
2.	सोनारी	आरक्षित वन	417	बैकुण्ठपुर	कोरिया	101.330	भाग

कुल :- 288.520 हेक्टर (लगभग) या 712.93 एकड़ (लगभग)

ब्लॉक-II :

(क) राजस्व भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	लब्जी	8	219	सोनहत	कोरिया	44.250	भाग

कुल :- 44.250 हेक्टर (लगभग) या 109.34 एकड़ (लगभग)

(ख) राजस्व वन भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	लब्जी	8	219	सोनहत	कोरिया	2.360	भाग
कुल :- 2.360 हेक्टर (लगभग) या 5.83 एकड़ (लगभग)							

कुल राजस्व भूमि = 562.300+44.250 = 606.550 हेक्टर (लगभग) या 1498.78 एकड़ (लगभग)

कुल राजस्व वन भूमि = 51.810+2.360 = 54.170 हेक्टर (लगभग) या 133.85 एकड़ (लगभग)

महायोग = 606.550+54.170+288.520 = 949.240 हेक्टर (लगभग) या 2345.56 एकड़ (लगभग)

1. ग्राम कटघोरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या :- 787(भाग), 788(भाग), 789, 790, 791 (भाग), 792(भाग), 793(भाग), 794(भाग), 795(भाग), 855(भाग), 856(भाग), 857(भाग), 858(भाग), 859(भाग), 860(भाग), 861 (भाग), 862, 862/1576, 863 से 898, 899(भाग), 900 से 998, 998/1594, 999 से 1028, 1029(भाग), 1030 से 1032, 1033(भाग), 1056(भाग), 1057(भाग), 1069 (भाग), 1070(भाग), 1071(भाग), 1072 से 1087, 1087/1582, 1088 से 1147, 1148(भाग), 1149(भाग), 1150(भाग), 1151(भाग), 1163(भाग), 1198(भाग), 1316, 1317(भाग), 1318(भाग), 1320(भाग), 1321 से 1339, 1339/1489, 1340 से 1358, 1358/1583, 1359, 1360, 1361 (भाग), 1362(भाग), 1375/1596, 1376 से 1383, 1384(भाग), 1385(भाग), 1386(भाग), 1388 (भाग), 1416(भाग), 1417(भाग), 1418(भाग), 1419 से 1435, 1436 (भाग), 1437(भाग), 1438(भाग), 1567(भाग), 1569(भाग), 1570, 1571(भाग)।

2. ग्राम मधोरा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या :- 8(भाग), 15(भाग), 16, 17/1(भाग), 17/2(भाग), 18 से 34, 35(भाग), 36, 37(भाग), 38, 39/1 (भाग), 39/2(भाग), 42, 43(भाग), 56(भाग), 57 से 70, 71(भाग), 72, 73(भाग), 74, 75(भाग), 76(भाग), 77(भाग), 107(भाग), 108 (भाग), 121(भाग), 126(भाग), 127(भाग), 128, 129(भाग), 130, 131, 131/457, 132 से 244, 245(भाग), 246, 247(भाग), 248(भाग), 250(भाग), 285(भाग), 287 से 333, 333/2, 333/3, 333/5, 334 से 365, 366(भाग), 367, 368, 369, 370(भाग), 373(भाग), 374(भाग), 376(भाग), 392(भाग), 394(भाग), 395, 396(भाग), 397 से 424, 425(भाग), 432(भाग), 433 से 455।

3. ग्राम नौगई (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 3 से 390, 391/1, 391/2, 392 से 414, 415(भाग), 416(भाग), 417 से 421, 422(भाग), 423 से 453, 454(भाग), 455(भाग), 476, 478(भाग), 489(भाग), 490(भाग), 491 से 495, 496(भाग), 497(भाग), 499(भाग), 517(भाग), 546(भाग), 547 से 550, 551 (भाग), 552, 553, 554(भाग), 555 से 565, 566(भाग), 567(भाग), 568 से 578, 579(भाग), 580(भाग), 581 (भाग), 582(भाग)।

4. ग्राम कुशमहा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 7(भाग), 8 से 10, 11 (भाग), 12, 13(भाग), 14, 15(भाग), 19(भाग), 20(भाग), 21 (भाग), 22 से 31, 32(भाग), 33 से 35, 36(भाग), 37 से 53, 54(भाग), 55(भाग), 58(भाग), 59(भाग), 61 (भाग), 67(भाग), 68(भाग), 69 से 75, 76 (भाग), 77 से 82, 83(भाग), 84(भाग), 85(भाग), 86, 86/358, 87, 88, 89(भाग), 92(भाग), 93(भाग), 100(भाग), 101(भाग), 102 से 109, 110(भाग), 112 (भाग), 114 (भाग), 115, 116(भाग), 118(भाग), 119(भाग), 120, 121(भाग), 122(भाग), 123(भाग), 126(भाग), 127(भाग)।

5. ग्राम प्रकाशपुर (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 1 से 5, 6(भाग), 8(भाग), 9(भाग), 10(भाग), 11(भाग), 12, 13(भाग), 15(भाग), 27(भाग), 30(भाग), 38, 39(भाग), 40(भाग), 41(भाग), 42(भाग), 43(भाग), 59(भाग), 60(भाग), 61(भाग), 62(भाग), 63 से 65, 66(भाग), 67, 68, 69(भाग), 70, 71 (भाग), 72(भाग), 86(भाग)।

6. ग्राम पुसला (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 604, 607(भाग), 608(भाग), 609(भाग), 610(भाग), 615(भाग), 616(भाग), 634(भाग), 635(भाग), 638(भाग), 639(भाग), 640, 641, 642(भाग), 643, 644, 645(भाग), 646 से 651, 658(भाग), 659(भाग), 661 (भाग), 662 से 667, 668 (भाग), 669, 670(भाग), 672/1 (भाग), 672/2(भाग), 673, 674(भाग), 675 से 677, 678(भाग), 679, 680, 681 (भाग)।

7. ग्राम फाड़पारा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 1 से 46, 56(भाग), 63 से 67, 68(भाग), 70(भाग)।

8. ग्राम लब्जी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 77(भाग), 78, 79(भाग), 81 (भाग), 143(भाग), 144(भाग), 145, 146, 147(भाग), 148 से 156, 157(भाग), 158 से 179, 180(भाग), 181, 182(भाग), 184(भाग), 191 (भाग), 192(भाग), 193 (भाग), 253(भाग), 256(भाग), 257(भाग), 258, 259(भाग), 260, 261, 262(भाग), 263, 264, 265(भाग), 280(भाग), 281 (भाग), 284(भाग), 285 से 339।

सीमा वर्णन :-**ब्लाक-I :**

- क-ख** रेखा ग्राम पुसला में बिन्दु "क" से आरंभ होती है और ग्राम पुसला के प्लॉट संख्या 634, 635, 638, 616, 615, 670, 638, 642, 644, 645, 610, 609, 608, 607 से होकर 604 के उत्तरी सीमा से गुजरती हुई ग्राम कुशमहा में प्रवेश कर प्लॉट संख्या 85, 84, 83, 68, 67, 54, 55, 58, 59, 61, 21, 20, 19, 13, 15, 11, 7 से होती हुई ग्राम कुशमहा के सीमा में बिन्दु "ख" पर मिलती है।
- ख-ग** रेखा कछारडांड आरक्षित वन के उपखंड संख्या 415 और सनोरी के उपखंड संख्या 417 के उत्तरी सीमा से होती हुई ग्राम मधोरा के सीमा में बिन्दु "ग" पर मिलती है।
- ग-घ** रेखा ग्राम मधोरा के प्लॉट संख्या 17/2, 17/1, 15, 8, 35, 37, 39/1, 39/2, 43, 56, 71, 73, 76, 75, 77, 107, 108, 129, 127, 126, 121, 248, 247, 245, 285, 366, 376, 374, 373, 370, 396, 394, 392, 425, 432 से होती हुई ग्राम मधोरा-प्रकाशपुर के सम्मिलित सीमा में बिन्दु "घ" पर मिलती है।
- घ-ङ** रेखा ग्राम प्रकाशपुर के प्लॉट संख्या 66, 71, 72, 86, 60, 61, 62, 42, 41, 40, 39, 27, 30, 27, 6, 8, 9, 10, 11, 13, 15 से होती हुई ग्राम प्रकाशपुर-नौगई के सम्मिलित सीमा में बिन्दु "ङ" पर मिलती है।
- ङ-च** रेखा ग्राम नौगई के प्लॉट संख्या 455, 454, 422, 416, 415, 478, 490, 489, 499, 496, 497, 554, 517 से होकर 552, 550, के पूर्वी सीमा 551, 546, 566, 567, 582, 581, 580, 579 से होती हुई ग्राम फाड़पारा में प्रवेश कर प्लॉट संख्या 68 से गुजरती है फिर 66 पूर्वी सीमा तथा 70 से होकर 56, 46 के पूर्वी सीमा से होती हुई बिन्दु "च" पर मिलती है।
- च-छ** रेखा ग्राम फाड़पारा-आनंदपुर, नौगई-आनंदपुर और कटघोरी-आनंदपुर के भागतः सम्मिलित सीमा से होती हुई बिन्दु "छ" पर मिलती है।
- छ-ज** रेखा ग्राम कटघोरी के प्लॉट संख्या 1571, 1569, 1567, 1438, 1437, 1436, 1417, 1416, 1418, 1388, 1385, 1386, 1384, से होकर 1376, 1360 के पश्चिमी सीमा, 1361, 1362, 1320, 1318, 1317 से होकर 1316, 1129 के पश्चिमी सीमा, 1163, 1148, 1149, 1150, 1151, 1056, 1057, 1071, 1070, 1069, 1033, 1029, 1198, 787, 788, 791, 792, 793, 794, 795, 899, 855, 856, 857, 858, 859, 860, 861 से होती हुई ग्राम प्रकाशपुर-सनोरी आरक्षित वन के सम्मिलित सीमा में बिन्दु "ज" पर मिलती है।
- ज-झ** रेखा ग्राम कटघोरी-सनोरी आरक्षित वन के भागतः सम्मिलित सीमा से होती हुई बिन्दु "झ" पर मिलती है।
- झ-ञ** रेखा ग्राम कटघोरी-कछारडांड आरक्षित वन और ग्राम कुशमहा-कछारडांड आरक्षित वन के भागतः सम्मिलित सीमा से होती हुई बिन्दु "ञ" पर मिलती है।
- ञ-क** रेखा ग्राम कुशमहा के प्लॉट संख्या 32, 127, 126, 36, 122, 123, 121, 118, 119, 116, 114, 76, 112, 110, 100, 101, 93, 92, 89 से होकर ग्राम पुसला में प्रवेश कर प्लॉट संख्या 658, 659, 661, 668, 670, 672/2, 672/1, 674, 678, 681, 634 से होती हुई आरंभिक बिन्दु "क" पर मिलती है।

ब्लाक-II :

- ट-ट-1** रेखा ग्राम लब्जी के दक्षिणी सीमा में बिन्दु "ट" से आरंभ होती है और ग्राम लब्जी के प्लॉट संख्या 253, 256, 257, 259, 265, 262, 284, 281, 280, 193, 192, 191, 180, 184, 182 से होती हुई बिन्दु "ट-1" पर मिलती है।
- ट-1-ठ** रेखा ग्राम लब्जी के प्लॉट संख्या 143, 144, 147, 81, 79, 157, 77 और 78 के उत्तरी सीमा से होती हुई ग्राम लब्जी के उत्तरी सीमा में बिन्दु "ठ" पर मिलती है।
- ठ-ठ-1** रेखा ग्राम लब्जी के पूर्वी सीमा से होती हुई बिन्दु "ठ-1" पर मिलती है।
- ठ-1-ट** रेखा ग्राम लब्जी के दक्षिणी सीमा से होती हुई आरंभिक बिन्दु "ट" पर मिलती है।

अनुसूची "ख"**चरछा व चरछा पश्चिम यूजी ब्लाक****वैकुण्ठपुर क्षेत्र, जिला-कोरिया (छत्तीसगढ़)**

(रेखांक संख्या एसईसीएल/बीएसपी/जीएम/पीएलजी/लैंड/401 तारीख 12 जनवरी, 2011)

सभी अधिकार :**ब्लाक-III :**

(क) राजस्व भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	शिवपुर	2	222	बैकुण्ठपुर	कोरिया	11.680	भाग
कुल क्षेत्र :- 11.680 हेक्टर (लगभग) या 28.86 एकड़ (लगभग)							

(ख) राजस्व वन भूमि :

क्र.सं.	ग्राम का नाम	पटवारी हल्का संख्या	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	सरडी	2	227	बैकुण्ठपुर	कोरिया	0.200	भाग
कुल क्षेत्र :- 0.200 हेक्टर (लगभग) या 0.49 एकड़ (लगभग)							
कुल योग (क+ख): 11.88 हेक्टर (लगभग) या 29.35 एकड़ (लगभग)							

1. ग्राम शिवपुर (भाग) में अर्जित किए जाने वाले प्लॉट संख्या : 1/1, 1/2, 2/1 से 2/4, 3/1 से 3/5, 4, 5/1 से 5/3, 6/1 से 6/12, 7, 35(भाग), 40, 188(भाग), 199(भाग), 240(भाग), 241(भाग), 246(भाग), 247.

2. ग्राम सरडी (भाग) में अर्जित किए जाने वाले प्लॉट संख्या: 101.

सीमा वर्णन :

क्लाक-III :

- ड-ड-1 रेखा ग्राम शिवपुर के पश्चिमी सीमा में बिन्दु "ड" से आरंभ होती है और प्लॉट संख्या 1, के पश्चिमी और उत्तरी, 2, 3, 5 के उत्तरी, 40 के पूर्वी और उत्तरी सीमा से होती हुई बिन्दु "ड-1" पर मिलती है।
- ड-1-ड रेखा ग्राम शिवपुर के प्लॉट संख्या 247 के उत्तरी सीमा एवं 188, 199, 246, 241, 240 से होकर ग्राम सरडी में प्रवेश कर प्लॉट संख्या 101 से होती हुई बिन्दु "ड" पर मिलती है।
- ड-ण रेखा ग्राम सरडी के प्लॉट संख्या 101 से होकर ग्राम शिवपुर में प्रवेश कर प्लॉट संख्या 240, 241, 246, 199, 188 से होकर 247 के पूर्वी सीमा से होती हुई बिन्दु "ण" पर मिलती है।
- ण-ड रेखा ग्राम शिवपुर के प्लॉट संख्या 247, 40 के दक्षिणी एवं 35 से होकर 40, 6, 7 के दक्षिणी, 7 के पश्चिमी, 5, 4, 3, 1 के दक्षिणी सीमा से होती हुई आरंभिक बिन्दु "ड" पर मिलती है।

[फा.सं. 43015/9/2010-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

MINISTRY OF COAL

New Delhi, the 20th July, 2011

S.O. 1981. — Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1582 dated 15th June, 2010 issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 26th June, 2010, the Central Government gave notice of its intention to prospect for coal in 974.048 hectares (approximately) or 2406.87 acres (approximately) of the lands in the locality specified in the schedule annexed to that notification;

And, whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire:—

(a) The rights to mine, quarry, bore dig and search for win, work and carry away minerals in the lands measuring 949.240 hectares (approximately) or 2345.56 acres (approximately) described in the Schedule "A" appended hereto;

(b) The land measuring 11.88 hectares (approximately) or 29.35 acres (approximately) as All Rights in or over the said land described in the Schedule "B" appended hereto.

[illegible]

(B) Revenue Forest Land:

Sl. No.	Name of Village	Patwari/Halka Number	Village Number	Tahsil	District	Area in hectares	Remarks
1.	Katghori	8	31	Sonhat	Korea	5.760	Part
2.	Madhora	9	174	Sonhat	Korea	25.930	Part
3.	Naugai	9	141	Sonhat	Korea	8.590	Part
4.	Kushmaha	8	42	Sonhat	Korea	9.990	Part
5.	Prakashpur	9	146	Sonhat	Korea	0.370	Part
6.	Pusla	8	158	Sonhat	Korea	1.170	Part
Total :- 51.810 hectares (approximately) or 128.02 acres (approximately)							

(C) Forest Land:

Sl. No.	Name of Forest	Type of Forest	Compartment Number	Range	Division	Area in hectares	Remarks
1.	Kachhar Dand	Reserve Forest	415	Baikunthpur	Korea	187.190	Part
2.	Sonari	Reserve Forest	417	Baikunthpur	Korea	101.330	Part
Total :- 288.520 hectares, (approximately) or 712.98 acres (approximately)							

Block - II :**(A) Revenue Land :**

Sl. No.	Name of Village	Patwari Halka Number	Village Number	Tahsil	District	Area in hectares	Remarks
1.	Labji	8	219	Sonhat	Korea	44.250	Part
Total :- 44.250 hectares (approximately) or 109.34 acres (approximately)							

(B) Revenue Forest Land:

Sl. No.	Name of Village	Patwari Halka Number	Village Number	Tahsil	District	Area in hectares	Remarks
1.	Labji	8	219	Sonhat	Korea	2.360	Part
Total :- 2.360 hectares (approximately) or 5.83 acres (approximately)							

Total Revenue Land = 562.300+44.250 = 606.550 hectares or 1498.78 acres (approximately)

Total Revenue Forest Land = 51.810 + 2.360 = 54.170 hectares or 133.85 acres (approximately)

Grand Total = 606.550+54.170+288.520 = 949.240 hectares or 2345.56 acres (approximately)

1. Plot numbers to be acquired in village Katghori (Part): 787(P), 788(P), 789, 790, 791 (P), 792(P), 793(P), 794(P), 795(P), 855(P), 856(P), 857(P), 858(P), 859(P), 860(P), 861 (P), 862, 862/1576, 863 to 898, 899(P), 900 to 998, 998/1594, 999 to 1028, 1029(P), 1030 to 1032, 1033(P), 1056(P), 1057(P), 1069 (P), 1070(P), 1071(P), 1072 to 1087, 1087/1582, 1088 to 1147, 1148(P), 1149(P), 1150(P), 1151(P), 1163(P), 1198(P), 1316, 1317(P), 1318(P), 1320(P), 1321 to 1339, 1339/1489, 1340 to 1358, 1358/1583, 1359, 1360, 1361 (P), 1362(P), 1375/1596, 1376 to 1383, 1384(P), 1385(P), 1386(P), 1388 (P), 1416(P), 1417(P), 1418(P), 1419 to 1435, 1436 (P), 1437(P), 1438(P), 1567(P), 1569(P), 1570, 1571(P).

2. Plot numbers to be acquired in village Madhora (Part): 8(P), 15(P), 16, 17/1(P), 17/2(P), 18 to 34, 35(P), 36, 37(P), 38, 39/1 (P), 39/2(P), 42, 43(P), 56(P), 57 to 70, 71(P), 72, 73(P), 74, 75(P), 76(P), 77(P), 107(P), 108 (P), 121(P), 126(P), 127(P), 128, 129(P), 130, 131, 131/457, 132 to 244, 245(P), 246, 247(P), 248(P), 250(P), 285(P), 287 to 333, 333/2, 333/3, 333/5, 334 to 365, 366(P), 367, 368, 369, 370(P), 373(P), 374(P), 376(P), 392(P), 394(P), 395, 396(P), 397 to 424, 425(P), 432(P), 433 to 455.

3. Plot numbers to be acquired in village Naugai (Part): 3 to 390, 391/1, 391/2, 392 to 414, 415(P), 416(P), 417 to 421, 422(P), 423 to 453, 454(P), 455(P), 476, 478(P), 489(P), 490(P), 491 to 495, 496(P), 497(P), 499(P), 517(P), 546(P), 547 to 550, 551 (P), 552, 553, 554(P), 555 to 565, 566(P), 567(P), 568 to 578, 579(P), 580(P), 581 (P) and 582(P).

4. Plot numbers to be acquired in village Kushmaha (Part): 7(P), 8 to 10, 11 (P), 12, 13(P), 14, 15(P), 19(P), 20(P), 21 (P), 22 to 31, 32(P), 33 to 35, 36(P), 37 to 53, 54(P), 55(P), 58(P), 59(P), 61 (P), 67(P), 68(P), 69 to 75, 76 (P), 77 to 82, 83(P), 84(P), 85(P), 86, 86/358, 87, 88, 89(P), 92(P), 93(P), 100(P), 101(P), 102 to 109, 110(P), 112 (P), 114 (P), 115, 116(P), 118(P), 119(P), 120, 121(P), 122(P), 123(P), 126(P), 127(P).

5. Plot numbers to be acquired in village Prakashpur (Part): 1 to 5, 6(P), 8(P), 9(P), 10(P), 11 (P), 12, 13(P), 15(P), 27(P), 30(P), 38, 39(P), 40(P), 41(P), 42(P), 43(P), 59(P), 60(P), 61(P), 62(P), 63 to 65, 66(P), 67, 68, 69(P), 70, 71 (P), 72(P), 86(P).

6. Plot numbers to be acquired in village Pusla (Part): 604, 607(P), 608(P), 609(P), 610(P), 615(P), 616(P), 634(P), 635(P), 638(P), 639(P), 640, 641, 642(P), 643, 644, 645(P), 646 to 651, 658(P), 659(P), 661 (P), 662 to 667, 668 (P), 669, 670(P), 672/1 (P), 672/2(P), 673, 674(P), 675 to 677, 678(P), 679, 680, 681 (P).

7. Plot numbers to be acquired in village Pharpara (Part): 1 to 46, 56(P), 63 to 67, 68(P), 70(P).

8. Plot numbers to be acquired in village Labji (Part): 77(P), 78, 79(P), 81 (P), 143(P), 144(P), 145, 146, 147(P), 148 to 156, 157(P), 158 to 179, 180(P), 181, 182(P), 184(P), 191 (P), 192(P), 193 (P), 253(P), 256(P), 257(P), 258, 259(P), 260, 261, 262(P), 263, 264, 265(P), 280(P), 281 (P), 284(P), 285 to 339.

Boundary Description:-

Block - I :

- A-B** Line starts from point 'A' in village Pusla and passes in village Pusla through plot numbers 634, 635, 638, 616, 615, 670, 638, 642, 644, 645, 610, 609, 608, 607, northern boundary of plot number 604 then enter and passes in village Kushmaha through plot number 85, 84, 83, 68, 67, 54, 55, 58, 59, 61, 21, 20, 19, 13, 15, 11, 7 and meets at point 'B' on the boundary of village Kushmaha.
- B-C** Line passes along northern boundary of compartment number 415 of Kachhar Dand and 417 of Sonari Reserve Forest and meets at point 'C' on the boundary of village Madhora.
- C-D** Line passes in village Madhora through plot number 17/2, 17/1, 15, 8, 35, 37, 39/1, 39/2, 43, 56, 71, 73, 76, 75, 77, 107, 108, 129, 127, 126, 121, 248, 247, 245, 285, 366, 376, 374, 373, 370, 396, 394, 392, 425, 432 and meets at point 'D' on the common boundary of villages Madhora - Prakashpur.
- D-E** Line passes in village Prakashpur through plot numbers 66, 71, 72, 86, 60, 61, 62, 42, 41, 40, 39, 27, 30, 27, 6, 8, 9, 10, 11, 13, 15 and meets at point 'E' on the common boundary of villages Prakashpur-Naugai.
- E-F** Line passes in village Naugai through plot number 455, 454, 422, 416, 415, 478, 490, 489, 499, 496, 497, 554, 517, eastern boundary of plot number 552, 550, through 551, 546, 566, 567, 582, 581, 580, 579 then enter and passes in village Pharpara through plot number 68, eastern boundary of plot number 66, through 70, eastern boundary of plot numbers 56, 46 and meets at point 'F'.
- F-G** Line passes along partly common boundary of villages Pharpara-Anandpur, Naugai- Anandpur and Katghori-Anandpur and meets at point 'G'.
- G-H** Line passes in village Katghori through plot numbers 1571, 1569, 1567, 1438, 1437, 1436, 1417, 1416, 1418, 1388, 1385, 1386, 1384, western boundary of plot numbers 1376, 1360, through 1361, 1362, 1320, 1318, 1317, western boundary of plot numbers 1316, 1129, through 1163, 1148, 1149, 1150, 1151, 1056, 1057, 1071, 1070, 1069, 1033, 1029, 1198, 787, 788, 791, 792, 793, 794, 795, 899, 855, 856, 857, 858, 859, 860, 861 and meets at point 'H' on the common boundary of villages Katghori-Sonari Reserve Forest.
- H-I** Line passes along partly common boundary of villages Katghori-Sonari Reserve Forest and meets at point 'I'.
- I-J** Line passes along partly common boundary of villages Katghori-Kachhar Dand Reserve Forest and village Kushmaha-Kachhar Dand Reserve Forest and meets at point 'J'.
- J-A** Line passes in village Kushmaha through plot numbers 32, 127, 126, 36, 122, 123, 121, 118, 119, 116, 114, 76, 112, 110, 100, 101, 93, 92, 89 then enter and passes in village Pusla through plot numbers 658, 659, 661, 668, 670, 672/2, 672/1, 674, 678, 681, 634 and meets at starting point 'A'.

Block - II :

- K-K-1** Line starts from point 'K' on the southern boundary of village Labji and passes through plot numbers 253, 256, 257, 259, 265, 262, 284, 281, 280, 193, 192, 191, 180, 184, 182 and meets at point 'K-1'.
- K-1-L** Line passes in village Labji through plot number 143, 144, 147, 81, 79, 157, 77, northern boundary of plot number 78 and meets at point 'L' on the northern boundary of village Labji.
- L-L-1** Line passes along eastern boundary of village Labji and meets at point 'L-1'.
- L-1-K** Line passes along southern boundary of village Labji and meets at starting point 'K'.

SCHEDULE "B"

**Churcha and Churcha West UG Block
Baikunthpur Area, District- Korea (Chhattisgarh)**

(Plan bearing number SECL/BSP/GM/PLG/LAND/401 dated the 12th January, 2011)

All Rights:**Block - III :****(A) Revenue Land:**

Sl. No.	Name of Village Number	Patwari/Halka Number	Village Number	Tahsil	District	Area in hectares	Remarks
1.	Shivpur	2	222	Baikunthpur	Korea	11.680	Part
Total :- 11.680 hectares (approximately) or 28.86 acres (approximately)							

(B) Revenue Forest Land:

Sl. No.	Name of Village Number	Patwari/Halka Number	Village Number	Tahsil	District	Area in hectares	Remarks
1.	Sardi	2	227	Baikunthpur	Korea	0.200	Part
Total :- 0.200 hectares (approximately) or 0.49 acres (approximately)							

**Grand Total (A+B) = 11.88 hectares (approximately)
or 29.35 hectares (approximately)**

1. Plot numbers to be acquired in village Shivpur (Part): 1/1, 1/2, 2/1, to 2/4, 3/1 to 3/5, 4, 5/1 to 5/3, 6/1 to 6/12, 7, 35(P), 40, 188(P), 199(P), 240(P), 241(P), 246(P), 247.

2. Plot numbers to be acquired in village Sardi (Part): 101.

Boundary Description:**Block- III :-**

- M-M-1** Line starts from point "M" on the western boundary of village Shivpur and passes along western and northern boundary of plot number 1, northern boundary of plot number 2, 3, 5 eastern and northern boundary of plot number 40 and meets at point 'M-1'.
- M-1-N** Line passes in village Shivpur along northern boundary of plot number 247, through 188, 199, 246, 241, 240 then enter and passes in village Sardi through plot number 101 and meets at point "N".
- N-O** Line passes in village Sardi through plot number 101 then enter and passes in village Shivpur through plot number 240, 241, 246, 199, 188 eastern boundary of plot number 247 and meets at point 'O'.
- O-M** Line passes in village Shivpur along southern boundary of plot number 247, 40, through 35, along southern boundary of plot number 40, 6, 7, western boundary of plot number 7, southern boundary of plot number 5, 4, 3, 1 and meets at starting point "M".

[F. No. 43015/9/2010-PRIW-I]
S.C. BHATIA, Director

नई दिल्ली, 20 जुलाई, 2011

का.आ. 1982.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लेखित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः, उक्त अधिसूचना अनुसूची में वर्णित क्षेत्र में अंतर्विष्ट ब्यौरे रेखांक संख्या सी 1(ई)III/एफयूआर/841-1010, तारीख 8 अक्टूबर, 2010 का निरीक्षण, वेस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या मुख्य महाप्रबंधक (खोज प्रभाग), केन्द्रीय खान योजना और डिजाइन संस्थान, गोंडवाना प्लेस, कॉक रोड, रॉची के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, चंद्रपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में कोयला का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में उल्लिखित भूमि में हितबद्ध कोई व्यक्ति—

- (i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप, या
- (ii) भूमि में या ऐसी भूमि पर कोई अधिकार या भूमि के प्रतिकर के हित के यदि कोई दावा, या
- (iii) खनन पट्टा अर्जन करने के अधीन अधिकारों की पूर्वेक्षण अनुज्ञप्ति प्रभावहीन हो जाने और भूमि संबंधी सभी नक्शे, चाटों तथा अन्य दस्तावेजों का परिदान, अयस्कों या अन्य खनिजों के नमूनों का भूमि से संग्रहण और उनका सम्यक् विश्लेषण करने के लिए तथा उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट कोई अन्य सुसंगत अभिलेखों या सामग्रियों की तैयारी के लिए प्रतिकर,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, मुख्य महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, वणी क्षेत्र, पोस्ट-चिमूर, तहसील-चिमूर, जिला चंद्रपुर (महाराष्ट्र) या महाप्रबंधक, वेस्टर्न कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेगे।

अनुसूची

मोरपार भूमिगत खदान विस्तार खण्ड

उमरेर क्षेत्र

जिला - चंद्रपुर (महाराष्ट्र)

(रेखांक संख्या सी-1(ई)III/एफयूआर/841-1010, तारीख 8 अक्टूबर, 2010)

भाग-‘क’

क्र.सं.	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील का नाम	जिला का नाम	क्षेत्रफल हेक्टर में	टिप्पणियां
1.	मिनझारी	53	चिमूर	चंद्रपुर	108.00	भाग
2.	अजगांव रीठ	53	चिमूर	चंद्रपुर	99.00	भाग

कुल क्षेत्र :- 207.00 हेक्टर (लगभग)

या 511.49 एकड़ (लगभग)

भाग-‘ख’

क्र.सं.	डिवीजन	रेन्ज	तहसील का नाम	जिला का नाम	क्षेत्र हेक्टर में	टिप्पणियां
1.	ब्रम्हपुरी	चिमूर	चिमूर	चंद्रपुर	318.00	भाग

कुल क्षेत्र : 318.00 हेक्टर (लगभग)

या 785.78 एकड़ (लगभग)

भाग-‘क’ + भाग-‘ख’ = कुल क्षेत्रफल

207.00 + 318.00 = 525.00 हेक्टर (लगभग)

या

511.49 + 785.78 = 1297.27 एकड़ (लगभग)

सीमा वर्णन :-

- क-ख** रेखा बिन्दु ‘क’ कम्पार्टमेंट क्रमांक 36 से आरंभ होकर आरक्षित वन में से गुजरती हुई कम्पार्टमेंट क्रमांक 34 की सीमा को पार करती है और आरक्षित वन में से गुजरती हुई पुनः कम्पार्टमेंट क्रमांक 34 और कम्पार्टमेंट क्रमांक 35 की सम्मिलित सीमा को पार करती है और आरक्षित वन से गुजरती है फिर ग्राम मिनझारी की सीमा को पार करती हुई सुरक्षित वन से होकर सड़क पार करती है और संरक्षित वन से होकर गुजरती है तथा ग्राम मिनझारी की सीमा को पार करती हुई आरक्षित वन कम्पार्टमेंट क्रमांक 23 से होकर गुजरती है और बिन्दु ‘ख’ पर मिलती है।
- ख-ग** रेखा आरक्षित वन कम्पार्टमेंट क्रमांक 23 से गुजरती हुई सड़क पार करती है फिर आरक्षित वन से होकर गुजरती है और बिन्दु ‘ग’ पर मिलती है।
- ग-घ** रेखा आरक्षित वन कम्पार्टमेंट क्रमांक 23 से गुजरती हुई सड़क को पार करती है और आरक्षित वन में से होकर गुजरती है तथा ग्राम मिनझारी से गुजरती हुई सड़क पार करती है तथा ग्राम मिनझारी से होकर गुजरती है और सड़क को पार करती है फिर पुनः ग्राम मिनझारी में से होकर गुजरती है तथा संरक्षित वन में से जाती हुई सड़क को पार करती है और ग्राम अजगांव रिठ में से जाती है और कम्पार्टमेंट क्रमांक 34 से गुजरती है और बिन्दु ‘घ’ पर मिलती है।
- घ-ङ** रेखा आरक्षित वन कम्पार्टमेंट क्रमांक 34 में बिन्दु ‘घ’ से गुजरती है और बिन्दु ‘ङ’ पर मिलती है।
- ङ-क** रेखा आरक्षित वन कम्पार्टमेंट क्रमांक 34 से होकर जाती है और कम्पार्टमेंट क्रमांक 34 और 36 की सम्मिलित सीमा को पार करती हुई आरक्षित वन कम्पार्टमेंट क्रमांक 36 से होकर गुजरती है और आरंभिक बिन्दु ‘क’ पर मिलती है।

[फा. सं. 43015/26/2010-पीआरआईडब्ल्यू-1]

एस.सी. भाटिया, निदेशक

New Delhi, the 20th July, 2011

S.O. 1982.— Whereas, it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule annexed hereto;

And, whereas, the plan bearing number C-1(E)III/FUR/841-1010, dated the 8th October, 2010 containing of the areas of lands described in the said Schedules may be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Palace, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Chandrapur (Maharashtra).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said Schedule;

Any persons interested in the land described in the said Schedule may —

- (i) object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- (ii) claim an interest in compensation if the land or any rights in or over such land, or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act, to the office of the Chief General Manager, Western Coalfields Limited, Umrer Area, Post-Chimur, Tahsil-Chimur, District - Chandrapur (Maharashtra) or General Manager, Western Coalfields Limited, Land and Revenue Department, Coal Estate, Civil Lines, Nagpur - 440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**MURPAR UNDERGROUND MINE EXPANSION BLOCK
UMRER AREA****DISTRICT-CHANDRAPUR(MAHARASHTRA).**

[Plan bearing number C-l(E)III/FUR/841 - 1010, dated the 8th October, 2010]

PART - 'A'

S1. No.	Name of Village	Patwari Circle Number	Name of Tahsil	Name of District	Area (in hectares)	Remarks
1	Minzari	53	Chimur	Chandrapur	108.00	Part
2	Ajgaon Rith	53	Chimur	Chandrapur	99.00	Part

Total area: 207.00 hectares (approximately)
or 511.49 acres (approximately)

PART - 'B'

S1. No.	Division	Range	Name of Tahsil	Name of District	Area (in hectares)	Remarks
1	Bramhapuri	Chimur	Chimur	Chandrapur	318.00	Part

Total area: 318.00 hectares (approximately)
or 785.78 acres (approximately)

Part - 'A'	+	Part - 'B'	=	Total Area
207.00	+	318.00	=	525.00 hectares (approximately)
511.49	+	785.78	=	1297.27 acres (approximately)

Boundary description :

- A-B:** Line starts from Point 'A' compartment No. 36 and passes along reserve forest, crosses the compartment No. 34 boundary and passes through reserve forest, once again crosses the boundary of compartment Nos. 34 and 35 and passes through reserved forest and crosses the village boundary of Minzari and passes through protected forest, then crosses the village boundary of Minzari village and passes through compartment No. 23 reserve forest and meets at Point 'B'.
- B-C:** Line passes the compartment number 23A of reserve forest crosses the road and passes through reserve forest and meets at Point 'C'.
- C-D:** Line passes through compartment number 23A of reserve forest crosses the road passes the reserve forest then passes through village Minzari and crosses the road then passes through village Minzari then crosses the road and passes through village Minzari then passes through protected forest crosses the road then passes through village Ajgaon Rith and passes through compartment number 34 and meets at Point 'D'.
- D-E:** Line passes through Point 'D' in compartment number 34 of reserve forest and meets at Point 'E'.
- 'E'-'A':** Line passes through Point 'E' in compartment number 34 of reserve forest and crosses the boundary of compartment numbers 34 and 36 and passes through reserve forest compartment number 36 and meets at starting Point 'A'.

[F.No. 43015/26/2010-PRIW-I]

S.C. BHATIA, Director

आदेश

नई दिल्ली, 20 जुलाई, 2011

का.आ. 1983.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 27 नवम्बर, 2010 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2919, तारीख 19 नवम्बर, 2010 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) और ऐसी भूमि में या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगनों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है, कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का अनुपालन करने के लिए, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे रजामंद है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में इस प्रकार निहित भूमि या उस पर के सभी अधिकार तारीख 27 नवम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात्—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मंदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) शर्त (1) के अधीन उक्त सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और ऐसे किसी अधिकरण और अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में जो कि अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे;
- (3) उक्त सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या

उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;

- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि और अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं।

[फा.सं. 43015/18/2009-पीआरआईडब्ल्यू-1]

एस. सी. भाटिया, निदेशक

ORDER

New Delhi, the 20th July, 2011

S.O. 1983.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2919, dated the 19th November, 2010, published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 27th November, 2010, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and rights in or over the land described in the schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And, whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the said Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said land and rights in or over the said land so vested shall with effect from 27th November, 2010 instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions, namely :-

- (1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company

under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vested, shall also be borne by the said Government Company;

- (3) the said Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;
- (4) the said Government Company shall have no power to transfer the said lands to any other persons without the prior approval of the Central Government; and
- (5) the said Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F.No. 43015/18/2009-PRIW-I]

S.C. BHATIA, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 जुलाई, 2011

का.आ. 1984.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम मंगलूर रिफाइनरी एंड पेट्रोकेमिकल्स लिमिटेड, केएसएसआईडीसीएओ भवन के सामने, राजाजीनगर इंडस्ट्रियल एस्टेट, राजाजीनगर, बंगलूर-560010 स्थित कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011/1/2011 (हिन्दी)]

जानकी आहुजा, उप निदेशक (रा.भा.)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th July, 2011

S.O. 1984.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of the Public Sector Undertaking Mangalore Refinery and Petrochemicals Limited, Opp. KSSIDCAO Building, Rajajinagar Industrial Estate, Rajajinagar, Bangalore- 560 010 under the administrative control of the Ministry of Petroleum and Natural Gas, in which more than

80 per cent staff have acquired working knowledge of Hindi.

[No. 11011/1/2011 (Hindi)]

JANKI AHUJA, Dy. Director (OL)

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1985.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप से बिहार राज्य में बरौनी तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा दामोदर नदी के आरपार एक पाइपलाइन बिछाई जानी है।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि हॉरिजॉन्टल डायरेक्शनल ड्रिलिंग (एच.डी.डी.) पद्धति से ऐसी भूमि जिसके भीतर पाइपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार से अर्जन किया जाए।

अतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 (1) की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 (1) की उप-धारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध की जाती हैं, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री मलय सरकार, सक्षम अधिकारी, पारादीप-हल्दिया-बरौनी-पाइपलाइन, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कसबेरिया, डाकघर-खंजनचक, हल्दिया, जिला-पूर्व मेदिनीपुर, पिन-721602, पश्चिम बंगाल को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

पुलिस थाना : खन्डघोष जिला : बर्धमान राज्य : पश्चिम बंगाल					
गाँव का नाम	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
नफरा	56	1540	00	01	30
		1537	00	01	50
		1547	00	02	60
		1537	00	00	82
		1540	00	01	29
		1540	00	02	25
		1540	00	01	18
		1540	00	01	30
		1540	00	01	52

(1)	(2)	(3)	(4)	(5)	(6)
मशीकला	57	636	00	01	22
		611	00	00	40
		611	00	00	80
		611	00	01	58
		610	00	01	21
		630	00	01	17
		635	00	01	38
		611	00	01	61
		614	00	01	29
		611	00	00	39
		611	00	00	80
		611	00	01	41
		631	00	01	48
		611	00	00	39
		611	00	00	39
		611	00	01	31
		613	00	02	44
		611	00	00	20

[सं. आर-25011/4/2010-ओआर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 18th July, 2011

S.O. 1985.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Barauni in the State of Bihar, a new pipeline across Damodar River should be laid by Indian Oil Corporation Limited,

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid by Horizontal Directional Drilling (HDD) technique and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user

therein or laying of the pipeline under the land to Shri Malay Sarkar, Competent Authority, Paradip-Haldia-Barauni Pipeline, Indian Oil Corporation Limited, Kasberia, P.O. Khanjanchak, Dist. Purba Midnapur- 721602 (West Bengal).

SCHEDULE

Police Station : Khandagosh District : Bardwan State : West Bengal

Name of Village	Jurisdiction List No.	Plot No.	Area		
			Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Napara	56	1540	00	01	30
		1537	00	01	50
		1540	00	02	60
		1537	00	00	82
		1540	00	01	29
		1540	00	02	25
		1540	00	01	18
		1540	00	01	30
		1540	00	01	52
		636	00	01	22
		611	00	00	40
		611	00	00	80
		611	00	01	58
		610	00	01	21
Mashilla	57	630	00	01	17
		635	00	01	38
		611	00	01	61
		614	00	01	29
		611	00	00	39
		611	00	00	80
		611	00	01	41
		631	00	01	48
		611	00	00	39
		611	00	00	39
		611	00	01	31
		613	00	02	44
		611	00	00	20

[No. R- 25011/4/2010-OR-1]

B.K. DATTA, Under Secy.

नई दिल्ली, 18 जुलाई, 2011

का.आ. 1986.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम

1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. और तारीख की नीचे दी गई अनुसूची में यथा उल्लेखित तारीख की अधिसूचना, का.आ. संख्या द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि के अधिकार के अर्जन का अधिकार प्राप्त किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में जो सभी विल्लंगमों से मुक्त है, उपयोग का अधिकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि गुजरात राज्य में आमोद से हजीरा तक पाइपलाइन के मार्गाधिकार में अनुसूची में उक्त ग्रामों की भूमियों में पाइपलाइन बिछाई जा चुकी है। अतः इन भूमियों में प्रचालन की समाप्ति की जाए जिसका संक्षिप्त विवरण इस अधिसूचना की संलग्न अनुसूची में विनिर्दिष्ट किया जाता है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ-7 में उल्लेखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

क्र. सं.	का.आ.सं. एवं दिनांक	गाँव का नाम	तालुका	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	893 दिनांक 24-4-2008	इटोला	आमोद	भरुच	गुजरात	31-7-2010
	893 दिनांक 24-4-2008	कोलवणा	आमोद	भरुच	गुजरात	31-7-2010
2.	893 दिनांक 24-4-2008	विछीयाद	वागारा	भरुच	गुजरात	31-7-2010
		साचण	वागारा	भरुच	गुजरात	31-7-2010
		वागारा	वागारा	भरुच	गुजरात	31-7-2010
		पीसाद	वागारा	भरुच	गुजरात	31-7-2010
		सारण	वागारा	भरुच	गुजरात	31-7-2010
		सायखा	वागारा	भरुच	गुजरात	31-7-2010
3.	893 दिनांक 24-4-2008	अमलेश्वर	भरुच	भरुच	गुजरात	31-7-2010
		संखवाड	भरुच	भरुच	गुजरात	31-7-2010
		नवेठा	भरुच	भरुच	गुजरात	31-7-2010
		भाडभूत	भरुच	भरुच	गुजरात	31-7-2010
4.	893 दिनांक 24-4-2008	धंतुरीया	अंकलेश्वर	भरुच	गुजरात	31-7-2010
		माटीएड	अंकलेश्वर	भरुच	गुजरात	31-7-2010
		मोटवान	अंकलेश्वर	भरुच	गुजरात	31-7-2010
5.	893 दिनांक 24-4-2008	मोथीया	हांसोट	भरुच	गुजरात	31-7-2010
		दिगस	हांसोट	भरुच	गुजरात	31-7-2010
		कलम	हांसोट	भरुच	गुजरात	31-7-2010
		रोहीद	हांसोट	भरुच	गुजरात	31-7-2010
		कुडादरा	हांसोट	भरुच	गुजरात	31-7-2010
		परवट	हांसोट	भरुच	गुजरात	31-7-2010
		ओभा	हांसोट	भरुच	गुजरात	31-7-2010

1	2	3	4	5	6	7
1.	894 दिनांक 24-4-2008	उमराछी	ओलपाड	सूरत	गुजरात	16-8-2010
		वडोली	ओलपाड	सूरत	गुजरात	16-8-2010
		पारडीभादोल	ओलपाड	सूरत	गुजरात	16-8-2010
		कणभी	ओलपाड	सूरत	गुजरात	16-8-2010
		वीहारा	ओलपाड	सूरत	गुजरात	16-8-2010
		मोरथान	ओलपाड	सूरत	गुजरात	16-8-2010
		अछारण	ओलपाड	सूरत	गुजरात	16-8-2010
		सांधीयेर	ओलपाड	सूरत	गुजरात	16-8-2010
		करमला	ओलपाड	सूरत	गुजरात	16-8-2010
		कोसम	ओलपाड	सूरत	गुजरात	16-8-2010
		वडोद	ओलपाड	सूरत	गुजरात	16-8-2010
		कनाद	ओलपाड	सूरत	गुजरात	16-8-2010
		सरोली	ओलपाड	सूरत	गुजरात	16-8-2010
		सेगवाछामा	ओलपाड	सूरत	गुजरात	16-8-2010
2.	894 दिनांक 24-4-2008	वीहेल	चोर्यासी	सूरत	गुजरात	16-8-2010
		वणकला	चोर्यासी	सूरत	गुजरात	16-8-2010
		ओखा	चोर्यासी	सूरत	गुजरात	16-8-2010
		भेसाण	चोर्यासी	सूरत	गुजरात	16-8-2010
		मलगामा	चोर्यासी	सूरत	गुजरात	16-8-2010
		असरमा	चोर्यासी	सूरत	गुजरात	16-8-2010
		इच्छापोर	चोर्यासी	सूरत	गुजरात	16-8-2010

[फा.सं. आर-25011/1/2008-ओ.आर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 18th July, 2011

S.O. 1986.—Whereas, by the notifications of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number and date as mentioned in the schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the land specified in the Schedule appended to those notifications.

And whereas, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government vested the right of user in said lands, free from all encumbrances in the Indian Oil Corporation Limited.

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of petroleum products from Amod to Hazira through the villages in the State of Gujarat mentioned in the Schedule has been laid in the said lands, so the operation may be terminated in respect of the land description of which in brief is specified in the schedule annexed to this notification.

Now, therefore, as required under explanation-1 of rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 7 of the said Schedule as the dates of termination of operation.

Sr. No.	S.O. No. and Date	Name of Village	Taluka	District	State	Date of Termination of Operation
1	2	3	4	5	6	7
1.	893 dated 24-4-2008	Intola	Amod	Bharuch	Gujarat	31-7-2010
	893 dated 24-4-2008	Kolavana	Amod	Bharuch	Gujarat	31-7-2010
2.	893 dated 24-4-2008	Vichhiyad	Vagra	Bharuch	Gujarat	31-7-2010
		Sachan	Vagra	Bharuch	Gujarat	31-7-2010
		Vagra	Vagra	Bharuch	Gujarat	31-7-2010
		Pisad	Vagra	Bharuch	Gujarat	31-7-2010
		Siran	Vagra	Bharuch	Gujarat	31-7-2010
		Sykha	Vagra	Bharuch	Gujarat	31-7-2010
3.	893 dated 24-4-2008	Ankleshwar	Bharuch	Bharuch	Gujarat	31-7-2010
		Sankhwad	Bharuch	Bharuch	Gujarat	31-7-2010
		Navetha	Bharuch	Bharuch	Gujarat	31-7-2010
		Bhadbhut	Bharuch	Bharuch	Gujarat	31-7-2010
4.	893 dated 24-4-2008	Dhanturiya	Ankleshwar	Bharuch	Gujarat	31-7-2010
		Matied	Ankleshwar	Bharuch	Gujarat	31-7-2010
		Motwan	Ankleshwar	Bharuch	Gujarat	31-7-2010
5.	893 dated 24-4-2008	Mothiya	Hansot	Bharuch	Gujarat	31-7-2010
		Digas	Hansot	Bharuch	Gujarat	31-7-2010
		Kalam	Hansot	Bharuch	Gujarat	31-7-2010
		Rohid	Hansot	Bharuch	Gujarat	31-7-2010
		Kudadara	Hansot	Bharuch	Gujarat	31-7-2010
		Parvat	Hansot	Bharuch	Gujarat	31-7-2010
		Obha	Hansot	Bharuch	Gujarat	31-7-2010
1.	894 dated 24-4-2008	Umrachhi	Olpad	Surat	Gujarat	16-8-2010
		Vadoli	Olpad	Surat	Gujarat	16-8-2010
		Pardibhadol	Olpad	Surat	Gujarat	16-8-2010
		Kanbhi	Olpad	Surat	Gujarat	16-8-2010
		Vihara	Olpad	Surat	Gujarat	16-8-2010
		Morthan	Olpad	Surat	Gujarat	16-8-2010
		Achharan	Olpad	Surat	Gujarat	16-8-2010
		Sandhiyer	Olpad	Surat	Gujarat	16-8-2010
		Karamala	Olpad	Surat	Gujarat	16-8-2010
		Kosam	Olpad	Surat	Gujarat	16-8-2010
		Vadod	Olpad	Surat	Gujarat	16-8-2010
		Kanad	Olpad	Surat	Gujarat	16-8-2010
		Saroli	Olpad	Surat	Gujarat	16-8-2010
		Segvachhama	Olpad	Surat	Gujarat	16-8-2010
2.	894 dated 24-4-2008	Vihel	Choryasi	Surat	Gujarat	16-8-2010
		Vanakala	Choryasi	Surat	Gujarat	16-8-2010
		Okha	Choryasi	Surat	Gujarat	16-8-2010
		Bheshan	Choryasi	Surat	Gujarat	16-8-2010
		Malagama	Choryasi	Surat	Gujarat	16-8-2010
		Asharama	Choryasi	Surat	Gujarat	16-8-2010
		Ichhapor	Choryasi	Surat	Gujarat	16-8-2010

[F. No. R-25011/1/2008-OR-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2010

का. आ. 1987.— भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3451 तारीख 15 दिसम्बर, 2009 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- बासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 04 जुलाई, 2010 को अथवा उससे पूर्व उपलब्ध करा दी गई थी ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगनों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

मंडल/ तेहसिल/ तालुक : पुसापाटीरंगा	जिला : विजयनगरम	राज्य : आन्ध्र प्रदेश		
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू.अर्जित करने के लिए शेतफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) रेल्लीवलसा	257/9	00	09	46
	257/6	00	08	66
	257/8	00	08	57
	257/7	00	06	79
	255	00	00	15
	258/1	00	07	77
	258/2	00	00	10
	258/11	00	00	98
	253/67	00	03	07
	253/68	00	00	10
	253/74	00	03	37
	253/76	00	07	80
	253/77	00	00	55

1	2	3	4	5
1) रेल्लीवलसा (निरंतर)	253/78	00	03	19
	253/79	00	03	50
	253/80	00	02	28
	253/81	00	04	72
	253/82	00	01	82
	253/83	00	00	10
	253/84	00	01	21
	253/94	00	01	28
	251/1	00	00	77
	251/2	00	10	28
	251/3	00	00	17
	251/5	00	13	65
	251/6	00	03	09
	252/1	00	11	41
	252/9	00	01	28
	252/8	00	04	45
	252/7	00	06	05
	252/2	00	01	39
	252/3	00	03	31
	252/4	00	02	34
	252/5	00	02	86
	252/6	00	00	61
	230/12	00	00	68
	252/13	00	04	68
	252/14	00	05	55
	252/15	00	03	42
	252/16	00	00	38
	252/20	00	02	30
	230/15	00	05	46
	230/16	00	03	08
	252/21	00	01	19
	229/16	00	01	75
	231/2	00	07	59
	231/3	00	04	28
	231/4	00	16	68
	231/5	00	05	76
	166/4	00	00	12
	166/5	00	11	50
	232/8	00	00	10
	232/3	00	02	66
	232/2	00	02	70
	232/1	00	04	87
	166/2	00	00	22
	165/35	00	09	15
	165/36	00	13	80
	165/37	00	00	34
	165/41	00	01	13
	165/40	00	00	88
	165/39	00	00	10
	165/42	00	00	82
	165/43	00	01	26
	165/44	00	00	93
	165/45	00	01	06

1	2	3	4	5
1. रेल्लीवलसा (निरंतर)	165/46	00	01	26
	165/47	00	01	78
	165/48	00	02	22
	165/25	00	02	34
	165/26	00	01	71
	165/27	00	00	10
	165/24	00	09	55
	165/23	00	03	18
	165/19	00	01	06
	165/18	00	00	10
	165/22	00	01	39
	165/21	00	00	90
	165/20	00	00	32
	165/7	00	02	53
	165/5	00	04	20
	165/3	00	00	10
	165/6	00	01	44
	165/2	00	00	10
	165/1	00	02	26
	144/21	00	03	85
	144/22	00	02	70
	144/20	00	05	34
	144/19	00	04	68
	144/15	00	00	37
	144/26	00	12	69
	144/17	00	00	10
	144/25	00	04	69
	144/18	00	00	61
	144/27	00	02	55
	145/15	00	06	53
	145/14	00	09	54
	145/13	00	03	35
	150/1	00	03	94
	149/9	00	21	43
	145/8	00	00	10
	149/10	00	03	90
	149/31	00	00	74
	149/29	00	01	78
	149/30	00	00	16
	149/28	00	02	40
	149/27	00	02	68
	149/11	00	00	26
	149/26	00	02	73
	149/25	00	02	50
	149/24	00	01	21
	149/33	00	01	12
	149/23	00	05	19
	149/16	00	08	63
	149/15	00	02	20
	149/22	00	00	11
	149/20	00	00	55

1	2	3	4	5
1) रेल्लीवलसा (निरंतर)	149/19	00	01	41
	149/18	00	00	10
	149/17	00	04	23
	147/35	00	00	38
	147/36	00	00	63
	148/1	00	11	86
	148/2	00	08	43
	148/9	00	00	10
	147/17	00	00	67
	147/16	00	00	37
	147/15	00	00	66
	147/18	00	00	43
	147/19	00	00	58
	97/8	00	00	61
	97/9	00	14	50
	97/12	00	02	16
	97/11	00	02	81
	97/10	00	02	42
	97/6	00	02	34
	96/2	00	11	60
	96/4	00	00	10
	96/3	00	01	91
	96/1	00	08	17
	सर्वे न. 96/1 और 95/4 के बीच में रास्ता	00	04	26
	95/4	00	17	89
	95/2	00	16	70
	95/3	00	01	27
	85/9	00	11	81
	94/21	00	00	10
	85/8	00	03	45
	85/2	00	01	52
	85/7	00	04	03
	85/3	00	12	37
	85/5	00	00	78
	85/4	00	04	46
	86/38	00	04	11
	86/37	00	04	28
	86/36	00	04	60
	86/35	00	06	79
	86/28	00	03	59
	86/27	00	02	61
	86/26	00	01	36
	81/3	00	00	10
	81/2	00	01	06
	81/1	00	04	87
	80/13	00	09	27

1	2	3	4	5
1) रल्लीवलसा (निरंतर)	86/25	00	00	14
	80/14	00	09	76
	80/12	00	05	26
	80/15	00	13	84
	80/6	00	02	88
	80/11	00	03	71
	80/10	00	05	10
	80/9	00	02	40
	80/8	00	06	50
	80/7	00	04	34
	79	00	00	15
	56	00	04	47
2) पुसापाटीरंगा	234	00	01	65
	205/1	00	05	75
	104/6	00	00	10
	104/7	00	00	39
	104/8	00	00	55
	104/9	00	00	50
	104/10	00	02	53
	104/11	00	00	65
	104/12	00	02	56
	104/13	00	00	10
	104/14	00	00	45
	103	00	03	44
	102	00	10	40
	101/1	00	00	20
	101/2	00	00	15
	101/3	00	00	20
	101/4	00	00	58
	101/5	00	02	27
	81/18	00	15	01
	81/19	00	10	30
	81/25	00	10	03
	81/28	00	04	75
	81/29	00	04	31
	81/30	00	02	15
	81/31	00	00	68
	82/2	00	00	10
	82/3	00	05	12
	82/4	00	03	82
	82/5	00	01	50
	82/8	00	02	73

1	2	3	4	5
2) पुसापाटीरेगा (निरंतर)	82/9	00	10	33
	82/10	00	00	10
	82/11	00	03	90
	85/147	00	02	95
	85/153	00	07	90
	85/154	00	05	12
	85/155	00	12	59
	85/156	00	04	83
	85/157	00	00	15
	85/188	00	12	45
	85/189	00	06	25
	85/190	00	00	38
	85/196	00	07	81
	85/197	00	03	84
	85/198	00	05	21
	85/199	00	02	40
	85/201	00	01	03
	85/202	00	05	20
	85/206	00	06	63
	85/207	00	05	11
	85/208	00	03	87
	85/209	00	18	63
	85/210	00	01	10
	85/211	00	00	10
	85/218	00	00	81
	85/241	00	02	10
	85/242	00	01	56
	85/243	00	00	30
	85/244	00	00	10
	85/246	00	00	10
	85/247	00	01	81
	86	00	05	57
	63	00	01	92
	62/1	00	02	00
	62/2	00	01	55
	62/3	00	02	10
	62/5	00	00	48
	62/6	00	01	06
	62/7	00	26	23
	61/5	00	00	05
	61/6	00	00	05
	61/7	00	00	05

1	2	3	4	5
2) पुसापाटीरंगा (निरंतर)	61/9	00	01	75
	61/10	00	00	05
	61/11	00	01	75
	61/12	00	00	50
	61/16	00	02	03
	61/17	00	00	05
	61/22	00	01	03
	61/23	00	00	81
	61/24	00	00	86
	61/25	00	00	20
	61/26	00	00	05
	61/27	00	00	05
	61/28	00	00	05
	61/29	00	00	05
	61/30	00	00	51
	61/31	00	00	87
	61/32	00	02	17
	61/33	00	01	75
	61/34	00	00	05
	61/35	00	00	10
	61/59	00	00	58
	61/60	00	01	86
	61/61	00	01	52
	61/62	00	01	77
	61/63	00	01	70
	61/64	00	01	20
	61/65	00	00	82
	61/66	00	00	05
	61/67	00	00	05
	61/68	00	00	10
	61/69	00	00	05
	61/70	00	00	05
	61/71	00	00	05
	61/73	00	00	10
	60	00	01	33
	58/11	00	00	37
	58/12	00	20	35
	58/13	00	05	35
	58/17	00	09	35
	58/18	00	07	85
	58/19	00	01	90
	58/20	00	08	25

1	2	3	4	5
2) पुसापाटीरेगा (निरंतर)	56/3	00	00	17
	56/4	00	03	10
	56/5	00	06	62
	56/6	00	03	10
	56/7	00	08	66
	56/8	00	19	35
	55/1	00	04	37
	55/6	00	01	70
	55/12	00	00	28
	55/13	00	01	55
	55/14	00	02	77
	55/15	00	01	70
	55/16	00	08	15
	55/17	00	01	27
	55/20	00	01	24
	55/21	00	01	89
	55/22	00	02	30
	55/23	00	02	83
	55/24	00	05	50
	55/25	00	05	02
	55/30	00	00	19
	55/31	00	05	20
	55/32	00	04	70
	23	00	01	20
	24	00	67	98
	25	00	01	53
	27/1	00	00	83
	27/12	00	03	55
	47	00	02	40
	46/1	00	13	37
	46/2	00	01	95
	46/3	00	08	99
	46/5	00	00	48
	46/4	00	07	15
	27/11	00	06	39
	28/2	00	12	85
	28/3	00	02	17
	28/4	00	15	10
	28/5	00	00	50
	28/11	00	18	53
	28/21	00	06	96
	28/20	00	05	30

1	2	3	4	5
2) पुसापाटीरंगा (निरंतर)	28/23	00	01	51
	28/22	00	00	10
	28/18	00	01	67
	28/17	00	05	04
	28/16	00	09	72
	28/29	00	00	10
	28/33	00	00	10
	28/36	00	00	10
	28/37	00	06	78
	29	00	34	57
	28/38	00	08	34
	28/39	00	04	33
	28/40	00	05	03
	28/32	00	00	45
	30	00	00	10
3) पोरम	33/12	00	00	42
	33/13	00	02	04
	33/14	00	03	61
	33/18	00	02	13
	33/19	00	00	28
	33/17	00	07	02
	33/16	00	00	86
	33/15	00	06	82
	33/4	00	01	19
	34/1	00	01	58
	34/4	00	00	16
	34/5	00	07	58
	34/6	00	05	18
	34/7	00	07	09
	34/8	00	00	93
	34/12	00	07	41
	34/11	00	00	40
	34/13	00	07	69
	34/14	00	00	10
	34/15	00	17	56
	35	00	07	83
4) टि सोडाम्मा अग्राहारम	38/35	00	12	60
	38/36	00	02	20
	38/37	00	04	15
	38/38	00	01	28
	38/39	00	01	15
	38/40	00	00	10

1	2	3	4	5
4) टि सोडाम्मा अग्रहार (निरंतर)	38/41	00	00	50
	38/42	00	03	30
	38/43	00	04	00
	38/44	00	01	10
	38/45	00	00	30
	38/58	00	01	90
	38/90	00	00	30
	38/99	00	11	25
	38/100	00	21	80
	38/102	00	01	55
	38/109	00	01	75
	38/110	00	07	10
	38/111	00	00	95
	38/113	00	09	95
	38/114	00	01	65
	38/115	00	00	15
	38/116	00	03	70
	38/117	00	00	15
	38/121	00	02	60
	38/122	00	02	96
	38/127	00	01	40
	38/128	00	02	60
	38/129	00	05	15
	38/130	00	00	40
	38/138	00	10	98
	38/142	00	04	95
	38/143	00	16	90
	38/144	00	01	10
	38/145	00	04	00
	38/146	00	01	73
	38/147	00	01	16
	55	00	08	30
	56/4	00	21	84
	56/3	00	17	21
	58	00	14	85
	59	00	14	32
	60/3	00	03	98
	60/4	00	08	84
	60/6	00	27	12
	66	00	00	69
	67/22	00	00	71
	67/23	00	02	90

1	2	3	4	5
4) टि सोडाम्मा अग्राहारम (निरंतर)	67/34	00	03	71
	67/24	00	00	10
	67/33	00	01	07
	67/32	00	03	70
	67/31	00	04	09
	67/35	00	02	26
	67/36	00	00	95
	67/37	00	00	15
	67/38	00	00	96
	67/39	00	00	75
	67/40	00	00	40
	67/42	00	00	10
	67/43	00	00	77
	67/44	00	00	14
	67/30	00	04	32
	67/29	00	09	43
	67/27	00	09	98
	67/28	00	00	37
	68/18	00	08	03
	68/19	00	07	80
	68/20	00	17	50
	68/27	00	05	93
	68/26	00	02	11
	68/25	00	04	52
	68/23	00	00	85
	69/29	00	01	03
	69/16	00	05	53
	69/15	00	06	85
	69/19	00	00	14
	69/20	00	03	00
	69/21	00	00	10
	69/3	00	00	21
	69/14	00	02	78
	69/12	00	01	77
	69/13	00	03	50
	69/10	00	01	93
	69/11	00	00	59
	69/9	00	02	68
	69/7	00	01	56
	69/6	00	01	23
	69/5	00	00	43
	69/8	00	01	84

1	2	3	4	5
4) टि सोडाम्मा अग्रहारम (निरंतर)	70/2	00	00	46
	70/1	00	06	69
	70/3	00	02	54
	70/4	00	00	79
5) कोव्वाडा	27/1	00	00	21
	27/2	00	00	10
	13	00	38	75
	4/11	00	18	11
	4/6	00	02	28
	4/10	00	01	17
	7/5	00	00	57
	7/6	00	01	98
	7/7	00	07	52
	7/8	00	02	71
	7/9	00	00	16
	7/10	00	10	00
	7/11	00	10	15
	7/12	00	07	60
	7/13	00	06	34
	7/18	00	01	47
	7/19	00	02	94
	8/8	00	20	64
	9/1	00	08	16
	9/3	00	04	19
	9/4	00	01	73
	9/7	00	01	80
	9/8	00	04	79
	9/9	00	03	39
	9/10	00	08	69
	9/12	00	11	64
	9/13	00	07	07
	9/14	00	00	16
	42/1	00	44	94
	42/9	00	00	21
	42/10	00	00	65
	42/11	00	01	30
	42/12	00	01	91
	42/13	00	01	40
	42/14	00	01	61
	42/15	00	01	94
	42/16	00	00	98
	42/17	00	00	26

1	2	3	4	5
5) कोव्वाडा (निरंतर)	42/25	00	00	10
	42/26	00	01	45
	42/27	00	02	47
	42/28	00	02	23
	42/29	00	02	75
	42/30	00	00	41
	43/1	00	09	78
	43/2	00	10	51
	43/3	00	10	02
	45/1	00	07	31
6) गेतुला घोडवरम	72/2	00	23	07
	72/4	00	24	25
	77/11	00	00	43
	77/12	00	45	67
	77/3	00	01	60
	78/5	00	09	42
	78/6	00	20	48
	78/7	00	04	37
	79/2	00	23	07
	80/1	00	16	98
	80/2	00	19	46
	80/3	00	15	54
	80/4	00	01	31
	80/5	00	08	57
	80/6	00	05	44
	81/2	00	05	40
	83/1	00	04	32
	84/1	00	05	77
	84/2	00	07	29
	84/3	00	06	94
	84/4	00	07	30
	84/5	00	06	75
	84/6	00	07	45
	84/7	00	04	51
	84/8	00	05	14
	84/9	00	07	55
	84/10	00	12	72
7) कन्दीवलसा	146/2	01	03	84
	4/1	00	03	70
	4/2	00	08	90
	4/8	00	00	30
	4/9	00	02	50

1	2	3	4	5
7) कन्दीकलसा (निरंतर)	4/13	00	13	70
	4/15	00	17	75
	4/17	00	13	75
	4/18	00	03	15
	4/19	00	02	85
	4/20	00	02	70
	4/24	00	00	25
	4/39	00	00	35
	4/59	00	00	60
	4/61	00	00	35
	4/62	00	02	70
	4/63	00	04	80
	4/64	00	09	35
	4/65	00	14	35
	4/66	00	01	55
	4/69	00	03	40
	4/70	00	10	25
	4/71	00	04	95
	4/147	00	00	60
	4/148	00	03	95
	4/149	00	01	90
	4/164	00	11	60
	4/165	00	00	60
	21	00	07	33
	1/40	00	06	37
	1/41	00	06	18
	1/47	00	00	13
	1/48	00	04	68
	1/49	00	06	60
	1/50	00	00	50
	1/51	00	00	68
	1/52	00	00	81
	1/53	00	03	15
	1/54	00	05	02
	1/55	00	03	85
	1/56	00	00	10
	1/65	00	03	52
	1/66	00	06	18
	1/67	00	10	35
	1/68	00	04	45
	1/69	00	03	48
	1/70	00	02	30

1	2	3	4	5
7) कन्दीवलसा (निरंतर)	1/71	00	07	80
	1/72	00	12	95
	1/73	00	25	35
8) कनीमेष्टा	127	00	65	25
	126/14	00	01	20
	126/15	00	06	82
	126/16	00	04	24
	126/17	00	07	40
	126/18	00	01	23
	126/7	00	17	11
	126/6	00	00	11
	111	00	04	43
	110/8	00	00	61
	110/7	00	04	04
	110/6	00	10	42
	110/5	00	00	10
	110/3	00	00	60
	110/2	00	02	68
	110/1	00	07	72
	109/12	00	02	33
	109/1	00	17	90
	103/21	00	01	33
	103/22	00	03	76
	103/20	00	00	23
	103/18	00	04	48
	103/24	00	05	39
	103/23	00	03	60
	103/17	00	00	90
	103/13	00	00	10
	103/11	00	07	31
	103/25	00	00	54
	103/10	00	00	93
	103/5	00	00	10
	103/9	00	05	78
	103/8	00	02	93
	103/7	00	06	56
	103/6	00	00	30
	103/4	00	08	86
	103/3	00	00	75
	102/1	00	14	46
	102/3	00	00	20
	99/5	00	13	45

1	2	3	4	5
8) कमीष्ठ (निरंतर)	99/4	00	00	38
	99/6	00	06	84
	99/18	00	01	92
	99/17	00	00	10
	99/19	00	00	10
	99/7	00	00	78
	99/9	00	05	44
	99/10	00	03	97
	99/16	00	01	51
	99/15	00	00	10
	99/11	00	01	76
	99/12	00	00	25
	100/5	00	02	12
	100/10	00	00	10
	100/11	00	00	75
	100/12	00	01	66
	100/24	00	05	15
	100/15	00	02	08
	100/16	00	02	54
	100/14	00	01	05
	100/17	00	02	73
	100/18	00	01	68
	100/23	00	00	29
	100/19	00	00	83
	100/20	00	00	31
	100/25	00	00	10
	95/1	00	25	55
	95/2	00	02	56
	95/3	00	00	39
	85/3	00	01	38
	85/15	00	00	99
	85/11	00	04	79
	85/12	00	02	41
	85/10	00	10	52
	85/9	00	06	24
	85/8	00	01	01
	86/1	00	00	22
	56/12	00	10	74
	56/14	00	00	34
	56/13	00	03	55
	56/11	00	07	40
	56/7	00	02	75

1	2	3	4	5
8) कमीष्टा (निरंतर)	88/7	00	02	76
	88/2	00	09	84
	88/1	00	00	14
	88/6	00	00	56
	88/5	00	04	18
	88/4	00	04	38
	88/3	00	02	88
	88/11	00	01	78
	88/10	00	00	10
	88/12	00	04	34
	88/13	00	01	72
	51/28	00	00	57
	51/31	00	05	71
	51/30	00	02	16
	51/18	00	00	10
	50/1	00	00	91
	50/2	00	06	09
	50/3	00	02	47
	50/4	00	04	88
	50/5	00	01	90
	50/6	00	00	10
	50/8	00	00	10
	50/9	00	03	62
	50/10	00	01	08
	49/10	00	11	56
	49/2	00	00	10
	49/9	00	06	90
	49/3	00	02	39
	49/6	00	06	60
	49/5	00	03	52
	49/7	00	03	03
	49/8	00	00	82
	47/3	00	01	38
	47/4	00	03	98
	47/5	00	05	25
	47/6	00	00	10
	45/11	00	03	85
	45/12	00	03	52
	45/7	00	00	10
	45/10	00	01	59
	45/9	00	03	52
	45/13	00	02	14

1	2	3	4	5
8) क्लीनेट्टा (निरंतर)	45/14	00	05	35
	45/8	00	07	32
	45/15	00	00	37
	44	00	02	20
	35/28	00	00	73
	33/5	00	05	58
	33/4	00	00	10
	33/6	00	08	55
	33/7	00	04	40
	33/8	00	03	89
	33/9	00	05	00
	33/11	00	06	70
	33/12	00	06	05
	33/13	00	07	03
	33/21	00	06	50
	33/22	00	01	79
	33/25	00	01	57
	33/26	00	00	10
	33/32	00	04	91
	32	00	03	15
	22/1	00	00	10
	24	00	08	65
	22/7	00	11	94
	22/6	00	00	76
	22/5	00	25	48
	22/9	00	00	10
	22/8	00	10	28
	22/4	00	00	58
	22/11	00	00	10
9) कामावरम	31/1	00	03	46
	31/2	00	05	18
	33/2	00	00	23
	33/1	00	13	75
	33/3	00	03	68
	32	00	06	71
	36/22	00	04	35
	36/23	00	04	37
	36/33	00	03	73
	36/20	00	05	36
	36/24	00	01	76
	36/25	00	00	47
	36/19	00	05	56

1	2	3	4	5
9) कामावरण (निरंतर)	36/18	00	08	87
	36/9	00	00	71
	36/10	00	01	53
	36/8	00	01	88
	36/7	00	00	86
	36/6	00	01	53
	36/2	00	00	52
	36/1	00	02	14
	37/6डी	00	00	12
	37/6ए	00	00	50
	37/5ए	00	00	38
	41/12	00	06	54
	41/11	00	00	43
	41/10	00	00	61
	41/9	00	00	59
	41/7	00	01	42
	41/6	00	04	47
	41/5	00	05	12
	41/13	00	02	07
	41/14	00	03	72
	41/15	00	04	40
	40/3	00	23	74
	40/4	00	07	07
	10/42	00	02	01
	10/43	00	01	83
	10/44	00	01	49
	10/45	00	00	10
	10/36	00	05	44
	10/37	00	02	45
	10/39	00	01	73
	10/40	00	01	74
	10/41	00	01	16
	10/35	00	02	62
	10/25	00	03	21
	10/24	00	01	46
	10/23	00	01	66
	10/26	00	03	56
	10/21	00	00	74
	10/20	00	01	45
	10/19	00	02	97
	10/18	00	00	10
	10/12	00	01	94

1	2	3	4	5
9) कमावरण (निरंतर)	10/13	00	05	70
	10/11	00	06	30
	10/10	00	00	33
	10/2	00	03	56
	10/1	00	03	24
	11/14	00	00	54
	11/13	00	00	58
	11/12	00	00	67
	11/11	00	00	73
	9/11	00	02	03
	9/16	00	03	54
	9/17	00	04	22
	9/37	00	02	21
	9/15	00	02	80
	9/12	00	01	46
	9/14	00	01	48
	9/13	00	01	68
	9/21	00	02	52
	9/22	00	00	47
	8/14	00	03	21
	8/15	00	03	17
	8/20	00	01	16
	8/19	00	01	38
	8/18	00	01	66
	8/21	00	01	12
	8/28	00	00	68
	8/29	00	00	24
	8/17	00	01	70
	8/16	00	01	92
	8/1	00	08	53
	6/11	00	14	74
	6/12	00	02	12
	6/10	00	06	25
	6/9	00	02	05
	6/8	00	02	30
	6/7	00	02	86
	6/6	00	02	09
	6/5	00	16	91
	6/1	00	10	13
	6/2	00	00	55
	7/36	00	00	10
	7/31	00	00	48

1	2	3	4	5
9) कमानवरन (निरंतर)	4/11	00	06	52
	4/12	00	09	11
	4/13	00	00	64
	4/16	00	14	18
	4/15	00	00	28
	5	00	42	98

[फा सं. एल.-14014/37/2009-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 14th December, 2010

S. O. 1987.— Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 3451 dated 15th December, 2009, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 04th July, 2010;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Pusapathroga		District:Vizianagaram		State:ANDHRA PRADESH	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hac	Are	C-Are	
1	2	3	4	5	
1) Rellivalasa	257/9	00	09	46	
	257/6	00	08	66	
	257/8	00	08	57	
	257/7	00	06	79	
	255	00	00	15	
	258/1	00	07	77	
	258/2	00	00	10	
	258/11	00	00	98	
	253/67	00	03	07	
	253/68	00	00	10	
	253/74	00	03	37	
	253/76	00	07	80	
	253/77	00	00	55	
	253/78	00	03	10	
	253/79	00	03	50	
	253/80	00	02	28	
	253/81	00	04	72	
	253/82	00	01	82	
	253/83	00	00	10	
	253/84	00	01	21	
	253/94	00	01	28	
	251/1	00	00	77	
	251/2	00	10	28	
	251/3	00	00	17	
	251/5	00	13	65	
	251/6	00	03	09	
	252/1	00	11	41	
	252/9	00	01	28	
	252/8	00	04	45	
	252/7	00	06	05	
	252/2	00	01	39	
	252/3	00	03	31	
	252/4	00	02	34	
	252/5	00	02	86	
	252/6	00	00	61	
	230/12	00	00	68	
	252/13	00	04	68	

1	2	3	4	5
1) Relinquishment (Contd)	252/14	00	05	55
	252/15	00	03	42
	252/16	00	00	38
	252/20	00	02	30
	230/15	00	05	46
	230/16	00	03	08
	252/21	00	01	19
	229/16	00	01	75
	231/2	00	07	59
	231/3	00	04	28
	231/4	00	16	68
	231/5	00	05	76
	166/4	00	00	12
	166/5	00	11	50
	232/8	00	00	10
	232/3	00	02	66
	232/2	00	02	70
	232/1	00	04	87
	166/2	00	00	22
	165/35	00	09	15
	165/36	00	13	80
	165/37	00	00	34
	165/41	00	01	13
	165/40	00	00	88
	165/39	00	00	10
	165/42	00	00	82
	165/43	00	01	26
	165/44	00	00	93
	165/45	00	01	06
	165/46	00	01	26
	165/47	00	01	78
	165/48	00	02	22
	165/25	00	02	34
	165/26	00	01	71
	165/27	00	00	10
	165/24	00	09	55
	165/23	00	03	18
	165/19	00	01	06
	165/18	00	00	10
	165/22	00	01	39
	165/21	00	00	90
	165/20	00	00	32

1	2	3	4	5
1) Rellivalse (Contd)	165/7	00	02	53
	165/5	00	04	20
	165/3	00	00	10
	165/6	00	01	44
	165/2	00	00	10
	165/1	00	02	26
	144/21	00	03	85
	144/22	00	02	70
	144/20	00	05	34
	144/19	00	04	68
	144/15	00	00	37
	144/26	00	12	69
	144/17	00	00	10
	144/25	00	04	69
	144/18	00	00	61
	144/27	00	02	55
	145/15	00	06	53
	145/14	00	09	54
	145/13	00	03	35
	150/1	00	03	94
	149/9	00	21	43
	145/8	00	00	10
	149/10	00	03	90
	149/31	00	00	74
	149/29	00	01	78
	149/30	00	00	16
	149/28	00	02	40
	149/27	00	02	68
	149/11	00	00	26
	149/26	00	02	73
	149/25	00	02	50
	149/24	00	01	21
	149/33	00	01	12
	149/23	00	05	19
	149/16	00	08	63
	149/15	00	02	20
	149/22	00	00	11
	149/20	00	00	55
	149/19	00	01	41
	149/18	00	00	10
	149/17	00	04	23
	147/35	00	00	38

1	2	3	4	5
1) Rellivalasa (Contd)	147/36	00	00	63
	148/1	00	11	86
	148/2	00	08	43
	148/9	00	00	10
	147/17	00	00	67
	147/16	00	00	37
	147/15	00	00	66
	147/18	00	00	43
	147/19	00	00	58
	97/8	00	00	61
	97/9	00	14	50
	97/12	00	02	16
	97/11	00	02	81
	97/10	00	02	42
	97/6	00	02	34
	96/2	00	11	60
	96/4	00	00	10
	96/3	00	01	91
	96/1	00	08	17
	In between Svy No. 96/1 & 95/4 ROAD	00	04	26
	95/4	00	17	89
	95/2	00	16	70
	95/3	00	01	27
	85/9	00	11	81
	94/21	00	00	10
	85/8	00	03	45
	85/2	00	01	52
	85/7	00	04	03
	85/3	00	12	37
	85/5	00	00	78
	85/4	00	04	46
	86/38	00	04	11
	86/37	00	04	28
	86/36	00	04	60
	86/35	00	06	79
	86/28	00	03	59
	86/27	00	02	61
	86/26	00	01	36
	81/3	00	00	10
	81/2	00	01	06
	81/1	00	04	87
	80/13	00	09	27

1	2	3	4	5
1) Rellivalasa (Contd)	86/25	00	00	14
	80/14	00	09	76
	80/12	00	05	26
	80/15	00	13	84
	80/6	00	02	88
	80/11	00	03	71
	80/10	00	05	10
	80/9	00	02	40
	80/8	00	06	50
	80/7	00	04	34
	79	00	00	15
	56	00	04	47
2) Pusapatirega	234	00	01	65
	205/1	00	05	75
	104/6	00	00	10
	104/7	00	00	39
	104/8	00	00	55
	104/9	00	00	50
	104/10	00	02	53
	104/11	00	00	65
	104/12	00	02	56
	104/13	00	00	10
	104/14	00	00	45
	103	00	03	44
	102	00	10	40
	101/1	00	00	20
	101/2	00	00	15
	101/3	00	00	20
	101/4	00	00	58
	101/5	00	02	27
	81/18	00	15	01
	81/19	00	10	30
	81/25	00	10	03
	81/28	00	04	75
	81/29	00	04	31
	81/30	00	02	15
	81/31	00	00	68
	82/2	00	00	10
	82/3	00	05	12
	82/4	00	05	82
	82/5	00	01	50
	82/8	00	02	73

1	2	3	4	5
2) Pimpri-Chinchwad (City)	82/9	00	10	43
	82/10	00	00	10
	82/11	00	03	90
	85/147	00	02	95
	85/153	00	07	90
	85/154	00	05	12
	85/155	00	12	59
	85/156	00	04	83
	85/157	00	00	15
	85/188	00	12	45
	85/189	00	06	25
	85/190	00	00	38
	85/196	00	07	81
	85/197	00	03	84
	85/198	00	05	21
	85/199	00	02	40
	85/201	00	01	03
	85/202	00	05	20
	85/206	00	06	63
	85/207	00	05	11
	85/208	00	03	87
	85/209	00	18	63
	85/210	00	01	10
	85/211	00	00	10
	85/218	00	00	81
	85/241	00	02	10
	85/242	00	01	56
	85/243	00	00	30
	85/244	00	00	10
	85/246	00	00	10
	85/247	00	01	81
	86	00	05	57
	63	00	01	92
	62/1	00	02	00
	62/2	00	01	55
	62/3	00	02	10
	62/5	00	00	48
	62/6	00	01	06
	62/7	00	26	23
	61/5	00	00	05
	61/6	00	00	05
	61/7	00	00	05

1	2	3	4	5
2) Pusspatiroga (Contd)	61/9	00	01	75
	61/10	00	00	05
	61/11	00	01	75
	61/12	00	00	50
	61/16	00	02	03
	61/17	00	00	05
	61/22	00	01	03
	61/23	00	00	81
	61/24	00	00	86
	61/25	00	00	20
	61/26	00	00	05
	61/27	00	00	05
	61/28	00	00	05
	61/29	00	00	05
	61/30	00	00	51
	61/31	00	00	87
	61/32	00	02	17
	61/33	00	01	75
	61/34	00	00	05
	61/35	00	00	10
	61/59	00	00	58
	61/60	00	01	86
	61/61	00	01	52
	61/62	00	01	77
	61/63	00	01	70
	61/64	00	01	20
	61/65	00	00	82
	61/66	00	00	05
	61/67	00	00	05
	61/68	00	00	10
	61/69	00	00	05
	61/70	00	00	05
	61/71	00	00	05
	61/73	00	00	10
	60	00	01	33
	58/11	00	00	37
	58/12	00	20	35
	58/13	00	05	35
	58/17	00	00	35
	58/18	00	07	85
	58/19	00	01	90
	58/20	00	00	25

1	2	3	4	5
2) Pampetirega (Contd)	56/3	00	00	10
	56/4	00	03	10
	56/5	00	06	62
	56/6	00	03	10
	56/7	00	08	66
	56/8	00	19	35
	55/1	00	04	37
	55/6	00	01	70
	55/12	00	00	28
	55/13	00	01	55
	55/14	00	02	77
	55/15	00	01	70
	55/16	00	08	15
	55/17	00	01	27
	55/20	00	01	24
	55/21	00	01	89
	55/22	00	02	30
	55/23	00	02	83
	55/24	00	05	50
	55/25	00	05	02
	55/30	00	00	19
	55/31	00	05	20
	55/32	00	04	70
	23	00	01	20
	24	00	67	98
	25	00	01	53
	27/1	00	00	83
	27/12	00	03	55
	47	00	02	40
	46/1	00	13	37
	46/2	00	01	95
	46/3	00	08	99
	46/5	00	00	48
	46/4	00	07	15
	27/11	00	06	39
	28/2	00	12	85
	28/3	00	02	17
	28/4	00	15	10
	28/5	00	00	50
	28/11	00	18	53
	28/21	00	06	96
	28/20	00	05	30

1	2	3	4	5
2) Pusapatirega (Contd)	28/23	00	01	51
	28/22	00	00	10
	28/18	00	01	67
	28/17	00	05	04
	28/16	00	09	72
	28/29	00	00	10
	28/33	00	00	10
	28/36	00	00	10
	28/37	00	06	78
	29	00	34	57
	28/38	00	08	34
	28/39	00	04	33
	28/40	00	05	03
	28/32	00	00	45
	30	00	00	10
3) Poram	33/12	00	00	42
	33/13	00	02	04
	33/14	00	03	61
	33/18	00	02	13
	33/19	00	00	28
	33/17	00	07	02
	33/16	00	00	86
	33/15	00	06	82
	33/4	00	01	19
	34/1	00	01	58
	34/4	00	00	16
	34/5	00	07	58
	34/6	00	05	18
	34/7	00	07	09
	34/8	00	00	93
	34/12	00	07	41
	34/11	00	00	40
	34/13	00	07	69
	34/14	00	00	10
	34/15	00	17	56
	35	00	07	83
4) T.Sodamma Agraharam	38/35	00	12	60
	38/36	00	02	20
	38/37	00	04	15
	38/38	00	01	28
	38/39	00	01	15
	38/40	00	00	10

1	2	3	4	5
4) T.Sodamma Agraharam (Contd)	38/41	00	00	90
	38/42	00	03	30
	38/43	00	04	00
	38/44	00	01	10
	38/45	00	00	30
	38/58	00	01	90
	38/90	00	00	30
	38/99	00	11	25
	38/100	00	21	80
	38/102	00	01	55
	38/109	00	01	75
	38/110	00	07	10
	38/111	00	00	95
	38/113	00	09	95
	38/114	00	01	65
	38/115	00	00	15
	38/116	00	03	70
	38/117	00	00	15
	38/121	00	02	60
	38/122	00	02	96
	38/127	00	01	40
	38/128	00	02	60
	38/129	00	05	15
	38/130	00	00	40
	38/138	00	10	98
	38/142	00	04	95
	38/143	00	16	90
	38/144	00	01	10
	38/145	00	04	00
	38/146	00	01	73
	38/147	00	01	16
	55	00	08	30
	56/4	00	21	84
	56/3	00	17	21
	58	00	14	85
	59	00	14	32
	60/3	00	03	98
	60/4	00	08	84
	60/6	00	27	12
	66	00	00	69
	67/22	00	00	71
	67/23	00	02	90

1	2	3	4	5
4) T.Sodamma Agraharam (Contd)	67/34	00	03	71
	67/24	00	00	10
	67/33	00	01	07
	67/32	00	03	70
	67/31	00	04	09
	67/35	00	02	26
	67/36	00	00	95
	67/37	00	00	15
	67/38	00	00	96
	67/39	00	00	75
	67/40	00	00	40
	67/42	00	00	10
	67/43	00	00	77
	67/44	00	00	14
	67/30	00	04	32
	67/29	00	09	43
	67/27	00	09	98
	67/28	00	00	37
	68/18	00	08	03
	68/19	00	07	80
	68/20	00	17	50
	68/27	00	05	93
	68/26	00	02	11
	68/25	00	04	52
	68/23	00	00	85
	69/29	00	01	03
	69/16	00	05	53
	69/15	00	06	85
	69/19	00	00	14
	69/20	00	03	00
	69/21	00	00	10
	69/3	00	00	21
	69/14	00	02	78
	69/12	00	01	77
	69/13	00	03	50
	69/10	00	01	93
	69/11	00	00	59
	69/9	00	02	68
	69/7	00	01	56
	69/6	00	01	23
	69/5	00	00	43
	69/8	00	01	84

1	2	3	4	5
4) T.Sodamma Agraharam (Contd)	70/2	00	00	46
	70/1	00	06	69
	70/3	00	02	54
	70/4	00	00	79
5) Kovvada	27/1	00	00	21
	27/2	00	00	10
	13	00	38	75
	4/11	00	18	11
	4/6	00	02	28
	4/10	00	01	17
	7/5	00	00	57
	7/6	00	01	98
	7/7	00	07	52
	7/8	00	02	71
	7/9	00	00	16
	7/10	00	10	00
	7/11	00	10	15
	7/12	00	07	60
	7/13	00	06	34
	7/18	00	01	47
	7/19	00	02	94
	8/8	00	20	64
	9/1	00	08	16
	9/3	00	04	19
	9/4	00	01	73
	9/7	00	01	80
	9/8	00	04	79
	9/9	00	03	39
	9/10	00	08	69
	9/12	00	11	64
	9/13	00	07	07
	9/14	00	00	16
	42/1	00	44	94
	42/9	00	00	21
	42/10	00	00	65
	42/11	00	01	30
	42/12	00	01	91
	42/13	00	01	40
	42/14	00	01	61
	42/15	00	01	94
	42/16	00	00	98
	42/17	00	00	26

1	2	3	4	5
5) Kovvada (Contd)	42/25	00	00	10
	42/26	00	01	45
	42/27	00	02	47
	42/28	00	02	23
	42/29	00	02	75
	42/30	00	00	41
	43/1	00	09	78
	43/2	00	10	51
	43/3	00	10	02
	45/1	00	07	31
6) Gaitula Chodavaram	72/2	00	23	07
	72/4	00	24	25
	77/11	00	00	43
	77/12	00	45	67
	77/3	00	01	60
	78/5	00	09	42
	78/6	00	20	48
	78/7	00	04	37
	79/2	00	23	07
	80/1	00	16	98
	80/2	00	19	46
	80/3	00	15	54
	80/4	00	01	31
	80/5	00	08	57
	80/6	00	05	44
	81/2	00	05	40
	83/1	00	04	32
	84/1	00	05	77
	84/2	00	07	29
	84/3	00	06	94
	84/4	00	07	30
	84/5	00	06	75
	84/6	00	07	45
	84/7	00	04	51
	84/8	00	05	14
	84/9	00	07	55
	84/10	00	12	72
7) Kandivalasa	146/2	01	03	84
	4/1	00	03	70
	4/2	00	08	90
	4/8	00	00	30
	4/9	00	02	50

1	2	3	4	5
7) Kandivela (Contd.)	4/13	00	13	74
	4/15	00	17	75
	4/17	00	13	75
	4/18	00	03	15
	4/19	00	02	85
	4/20	00	02	70
	4/24	00	00	25
	4/39	00	00	35
	4/59	00	00	60
	4/61	00	00	35
	4/62	00	02	70
	4/63	00	04	80
	4/64	00	09	35
	4/65	00	14	35
	4/66	00	01	55
	4/69	00	03	40
	4/70	00	10	25
	4/71	00	04	95
	4/147	00	00	60
	4/148	00	03	95
	4/149	00	01	90
	4/164	00	11	60
	4/165	00	00	60
	21	00	07	33
	1/40	00	06	37
	1/41	00	06	18
	1/47	00	00	13
	1/48	00	04	68
	1/49	00	06	60
	1/50	00	00	50
	1/51	00	00	68
	1/52	00	00	81
	1/53	00	03	15
	1/54	00	05	02
	1/55	00	03	85
	1/56	00	00	10
	1/65	00	03	52
	1/66	00	06	18
	1/67	00	10	35
	1/68	00	04	45
	1/69	00	03	48
	1/70	00	02	30

1	2	3	4	5
7) Kandivalasa (Contd)	1/71	00	07	80
	1/72	00	12	95
	1/73	00	25	35
8) Kanimetta	127	00	65	25
	126/14	00	01	20
	126/15	00	06	82
	126/16	00	04	24
	126/17	00	07	40
	126/18	00	01	23
	126/7	00	17	11
	126/6	00	00	11
	111	00	04	43
	110/8	00	00	61
	110/7	00	04	04
	110/6	00	10	42
	110/5	00	00	10
	110/3	00	00	60
	110/2	00	02	68
	110/1	00	07	72
	109/12	00	02	33
	109/1	00	17	90
	103/21	00	01	33
	103/22	00	03	76
	103/20	00	00	23
	103/18	00	04	48
	103/24	00	03	39
	103/23	00	03	60
	103/17	00	00	90
	103/13	00	00	10
	103/11	00	07	31
	103/25	00	00	54
	103/10	00	00	93
	103/5	00	00	10
	103/9	00	09	78
	103/8	00	02	93
	103/7	00	06	56
	103/6	00	00	30
	103/4	00	08	86
	103/3	00	00	75
	102/1	00	14	46
	102/3	00	00	30
	99/5	00	13	45

1	2	3	4	5
8) Kanimetta (Contd)	99/4	00	00	58
	99/6	00	06	84
	99/18	00	01	92
	99/17	00	00	10
	99/19	00	00	10
	99/7	00	00	78
	99/9	00	05	44
	99/10	00	03	97
	99/16	00	01	51
	99/15	00	00	10
	99/11	00	01	76
	99/12	00	00	25
	100/5	00	02	12
	100/10	00	00	10
	100/11	00	00	75
	100/12	00	01	66
	100/24	00	05	15
	100/15	00	02	08
	100/16	00	02	54
	100/14	00	01	05
	100/17	00	02	73
	100/18	00	01	68
	100/23	00	00	29
	100/19	00	00	83
	100/20	00	00	31
	100/25	00	00	10
	95/1	00	25	55
	95/2	00	02	56
	95/3	00	00	39
	85/3	00	01	38
	85/15	00	00	99
	85/11	00	04	79
	85/12	00	02	41
	85/10	00	10	52
	85/9	00	06	24
	85/8	00	01	01
	86/1	00	00	22
	56/12	00	10	74
	56/14	00	00	34
	56/13	00	03	55
	56/11	00	07	40
	56/7	00	02	75

1	2	3	4	5
8) Kanimetta (Contd)	88/7	00	02	76
	88/2	00	09	84
	88/1	00	00	14
	88/6	00	00	56
	88/5	00	04	18
	88/4	00	04	38
	88/3	00	02	88
	88/11	00	01	78
	88/10	00	00	10
	88/12	00	04	34
	88/13	00	01	72
	51/28	00	00	57
	51/31	00	05	71
	51/30	00	02	16
	51/18	00	00	10
	50/1	00	00	91
	50/2	00	06	09
	50/3	00	02	47
	50/4	00	04	88
	50/5	00	01	90
	50/6	00	00	10
	50/8	00	00	10
	50/9	00	03	62
	50/10	00	01	08
	49/10	00	11	56
	49/2	00	00	10
	49/9	00	06	90
	49/3	00	02	39
	49/6	00	06	60
	49/5	00	03	52
	49/7	00	03	03
	49/8	00	00	82
	47/3	00	01	38
	47/4	00	03	98
	47/5	00	05	25
	47/6	00	00	10
	45/11	00	03	85
	45/12	00	03	52
	45/7	00	00	10
	45/10	00	01	59
	45/9	00	03	52
	45/13	00	02	14

	1	2	3	4	5
8) Kanimetta (Contd)		45/14	00	05	35
		45/8	00	07	32
		45/15	00	00	37
		44	00	02	20
		35/28	00	00	73
		33/5	00	05	58
		33/4	00	00	10
		33/6	00	08	55
		33/7	00	04	40
		33/8	00	03	89
		33/9	00	05	00
		33/11	00	06	70
		33/12	00	06	05
		33/13	00	07	03
		33/21	00	06	50
		33/22	00	01	79
		33/25	00	01	57
		33/26	00	00	10
		33/32	00	04	91
		32	00	03	15
		25/1	00	00	10
		24	00	08	65
		22/7	00	11	94
		22/6	00	00	76
		22/5	00	25	48
		22/9	00	00	10
		22/8	00	10	28
		22/4	00	00	58
		22/11	00	00	10
9) Kamavaram		31/1	00	03	46
		31/2	00	05	18
		33/2	00	00	23
		33/1	00	13	75
		33/3	00	03	68
		32	00	06	71
		36/22	00	04	35
		36/23	00	04	37
		36/33	00	03	73
		36/20	00	05	36
		36/24	00	01	76
		36/25	00	00	47
		36/19	00	05	56

1	2	3	4	5
9) Kamavaram (Contd)	36/18	00	08	87
	36/9	00	00	71
	36/10	00	01	53
	36/8	00	01	88
	36/7	00	00	86
	36/6	00	01	53
	36/2	00	00	52
	36/1	00	02	14
	37/6D	00	00	12
	37/6A	00	00	50
	37/5A	00	00	38
	41/12	00	06	54
	41/11	00	00	43
	41/10	00	00	61
	41/9	00	00	59
	41/7	00	01	42
	41/6	00	04	47
	41/5	00	05	12
	41/13	00	02	07
	41/14	00	03	72
	41/15	00	04	40
	40/3	00	23	74
	40/4	00	07	07
	10/42	00	02	01
	10/43	00	01	83
	10/44	00	01	49
	10/45	00	00	10
	10/36	00	05	44
	10/37	00	02	45
	10/39	00	01	73
	10/40	00	01	74
	10/41	00	01	16
	10/35	00	02	62
	10/25	00	03	21
	10/24	00	01	46
	10/23	00	01	66
	10/26	00	03	56
	10/21	00	00	74
	10/20	00	01	45
	10/19	00	02	97
	10/18	00	00	10
	10/12	00	01	94

1	2	3	4	5
9) Kamavaram (Contd)	10/13	00	05	70
	10/11	00	06	30
	10/10	00	00	33
	10/2	00	03	56
	10/1	00	03	24
	11/14	00	00	54
	11/13	00	00	58
	11/12	00	00	67
	11/11	00	00	73
	9/11	00	02	03
	9/16	00	03	54
	9/17	00	04	22
	9/37	00	02	21
	9/15	00	02	80
	9/12	00	01	46
	9/14	00	01	48
	9/13	00	01	68
	9/21	00	02	52
	9/22	00	00	47
	8/14	00	03	21
	8/15	00	03	17
	8/20	00	01	16
	8/19	00	01	38
	8/18	00	01	66
	8/21	00	01	12
	8/28	00	00	68
	8/29	00	00	24
	8/17	00	01	70
	8/16	00	01	92
	8/1	00	08	53
	6/11	00	14	74
	6/12	00	02	12
	6/10	00	06	25
	6/9	00	02	05
	6/8	00	02	30
	6/7	00	02	86
	6/6	00	02	09
	6/5	00	16	91
	6/1	00	10	13
	6/2	00	00	55
	7/36	00	00	10
	7/31	00	00	48
	4/11	00	06	52
	4/12	00	09	11
	4/13	00	00	64
	4/16	00	14	18
	4/15	00	00	28
	5	00	42	98

F. No. L-14014/37/2009-G.P.]
K. K. SHARMA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 1 जुलाई, 2011

का.आ. 1988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 190/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2011 को प्राप्त हुआ था।

[सं. एल-41012/132/96-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st July, 2011

S.O. 1988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 190/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 23-6-2011.

[No. L-41012/132/96-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR**

No. CGIT/LC/R/190/97

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

Shri Nirmal Kumar,
S/o Shri Phoolchand,
Behind Indira Colony,
New Yard,
Itarsi,
Hoshangabad (MP)

...Workman

Versus

Divisional Railway Manager,
Central Railway,
Bhopal.

...Management

AWARD

Passed on this 7th day of June, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/132/96-IR(B-I) dated 22-7-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of DRM, Central Railway, Bhopal in terminating the services of Shri Nirmal Kumar S/o Shri Phoolchand is legal

and justified. If not, to what relief the workman is entitled?”

2. The case of the workman in short is that the workman was engaged on 23-11-83 and worked till 1-3-84 for 39 days as Khalasi under Inspector of works (Construction), Lonavala and was issued Service Card No. 310155. Thereafter he was again granted Service under Assistant Controller of Stores (Diesel), Itarsi from 17-5-86 to 15-7-91 as per Service Card. The details is as under—

19-5-87 to 31-5-87 = 13 days

1-6-87 to 30-6-87 = 30 days

1-7-87 to 31-7-87 = 31 days

1-8-87 to 25-8-87 = 25 days.

Thereafter he worked at Electrification Office, Ajni, Nagpur from—

4-9-87 to 18-2-88 = 75 days

He again worked at Itarsi as under—

29-4-89 to 30-4-89 = 2 days

1-5-89 to 31-5-89 = 31 days

1-6-89 to 30-6-89 = 30 days

1-7-89 to 20-7-89 = 20 days

It is stated that he had complied the present terms of working at least 120 days for absorbing in permanent Class- IV job in the Central Railway Services but had been denied. He was called for interview and attended the same but he was not issued any selection letter. It is stated that on persistent demand, he was granted service with full wages from 11-6-90 to 11-7-90 and 25-4-91 to 15-7-91. It is submitted that the management be directed to grant permanent employment in class IV in Railway Services.

3. The management appeared and filed Written Statement in the case. The case of the management inter alia is that the workman was engaged as casual labour intermittently as waterman for a total period of 243 days from 17-5-86 to 20-7-89. He was considered for appointment as temporary khalasi but was not found fit by the Screening Committee. It is submitted that he is not entitled to any relief.

4. On the basis of the reference and pleadings of the parties, the following issues are for adjudication—

I. Whether the action of the management in terminating the services of the workman is legal and justified?

II. To what relief, if any, the workman is entitled?

5. Issue No. I

It is not out of place to say that the workman has raised dispute in the pleading that he was entitled to be appointed on the permanent post of Khalasi. The dispute

is beyond the scope of the reference. It is a settled principle that the Tribunal cannot go beyond the reference.

6. To prove the case, the workman is examined and has produced documentary evidence. The workman has stated in his evidence that no appointment letter was given. He was issued with Service Card which is marked as Exhibit P-1. He has further stated that as many days he worked, it was recorded in the Service Card (Exhibit P-1). He was removed from service w.e.f. 16-7-91.

7. His Service Card (Exhibit P-1) shows that he was engaged as Casual Labour. Admittedly the pleadings of the workman and Casual Card show that he had not worked 240 days in calendar year and specially he had not worked 240 days in twelve months preceding the date with reference. His service is not to be considered as continuous service for a period of one year in accordance with Section 25B of the Industrial Dispute Act, 1947 (in short the Act, 1947). It is clear that he had not completed the continuous service for a period of one year under the management and therefore there is no violation of the provision of Section 25F of the Act, 1947. The workman has also filed the termination letter which is marked as Exhibit P-2. Thus the oral and documentary evidence have established that the action of the management is justified and legal.

8. On the other hand, the management has also examined oral and documentary evidence. The management witness Shri Narmada Prasad Prajapati was Office Superintendent-II, Itarsi. He has supported the case of the management. He has stated that he was engaged as Casual Labour as workman intermittently. He was engaged only in monsoon period as seasonal worker. He has stated that he was interviewed for temporary khalasi but was not selected by Screening Committee. The management has also filed documents which are admittedly by the workman. Exhibit M/1 series are the sanction for creation of casual labour workman for outstation stores depot. Exhibit M/2 is the letter for engagement of the workman as casual workman on 25-4-91 Exhibit M/3 is his termination letter w.e.f. 16-7-91. Exhibit M/4 is letter for interview of the workman for appointment as temporary khalasi. Exhibit M/5 is the selection list but he was not selected. Thus these documents also show that there is no violation in terminating the workman from service. Thus it is clear that the action of the management was justified and there is no violation of any provision of law. Accordingly this issue is decided in favour of the management and against the workman.

9. Issue No. II

On the basis of the discussion made above, it is obvious that the workman is not entitled to any relief. Accordingly the reference is answered.

10. In the result, the award is passed without any order to costs.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 1 जुलाई, 2011

का.आ. 1989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 63/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2011 को प्राप्त हुआ था।

[सं. एल-12011/11/96-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st July, 2011

S.O. 1989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/07) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 23-6-2011.

[No. L-12011/11/96-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/63/07

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Giran Singh,
S/o Shri Gambhir Singh,
C/o Shri H.S. Rathore, Advocate,
Prince Kirana Stores,
Adarsha Chowk,
New Katni (MP)

The Deputy General Secretary,
State Bank of India Staff Congress (INTUC),
5/235, Pragati State Bank Staff Colony,
Vikasnagar,
Jabalpur

... Workman/Union

Versus

The Regional Manager,
Regional No. 1,
State Bank of India,
Civic Centre,
Marhatal, Jabalpur (MP)

... Management

AWARD

Passed on this 10th day of June, 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-12011/11/1996-IR(B-I) dated 16-7-2007 has referred the following dispute for adjudication by this tribunal:-

"Whether the action of the management of the State Bank of India, Marhatal, Jabalpur (MP) in terminating services of Shri Giran Singh S/o Shri Gambhir Singh, is justified. If not, to what relief the workman concerned is entitled?"

2. The case of the Union/workman in short is that the workman was employed as a waterman-cum-Messenger at New Katni Branch of State Bank of India w.e.f.8-7-1977 and worked continuously till 31-1-81 when he raised Industrial Dispute and reference case No. CGIT/LC/R/61/87 was registered. In the said reference case, award dated 23-11-90 was passed and the workman was reinstated on 4-11-91 in compliance of the award. The further case is that again he was terminated from service on 1-1-1992 abruptly in violation of the provision of Sections 25-F, 25-G and 25-H of the industrial Dispute Act, 1947 (in short the Act, 1947). It is stated that no notice was given nor pay in lieu of notice was given to the workman. It is stated that after termination in his place, one Sheoratan was employed by the management. It is submitted that the workman be reinstated with back wages.

3. The management appeared and filed Written Statement to contest the reference. The case of the management inter alia, is that admittedly the workman was engaged as waterman and he was terminated on 31-1-81. Thereafter he was reinstated on the basis of award dated 23-11-90. The further case of the management is that the engagement of the workman was for exigency of work for filling water which was ended and therefore his services were terminated w.e.f. 6-1-1992. It is stated that he was paid retrenchment compensation of Rs.961.38 and one month pay of Rs.155 in lieu of notice as has been provided under Section 25-F of the Act, 1947. It is stated that the workman was the only person engaged as waterman and therefore there is no application of Section 25-G of the Act, 1947. It is stated that the workman had not given the name of the person who had been appointed subsequently in the same capacity. It is submitted that there is no violation of the provision of the Act, 1947 and therefore the reference be answered in favour of the management.

4. On the pleadings of the parties, the following issues are settled for adjudication—

I. Whether the action of the management in terminating the services of the workman is justified?

II. To what relief the workman is entitled?

5. Issue No. I

To prove the case, the workman Shri Giran Singh is only examined in the case. He has stated that he was reinstated on 11-10-1991 on the basis of award dated 23-3-1990 passed in Case No. CGIT/LC/R/61/1987. After few months, he was again terminated w.e.f. 6-1-92 in violation of the provision of Section 25-F of the Act, 1947 without giving any notice and compensation. He has contradicted his evidence in cross-examination. He has stated that notice was pasted on the notice board and he was terminated on the basis of notice as has been provided in the I.D. Act. He has admitted that the said notice is Paper No. 9/3 which is marked as Exhibit M/2. The said notice clearly shows that one month pay in lieu of notice and compensation amount was paid through Banker's Cheque. This said notice also shows that six days pay was also paid through Banker's Cheque. His evidence clearly shows that the provision of Section 25-F of the Act, 1947 is complied.

6. On the other hand, the management has also adduced oral and documentary evidence. Exhibit M/1 is the letter of information whereby the workman was reinstated vide order dated 23-11-90 on the basis of award as daily wage employee. Exhibit M/2 is the letter whereby the amounts of one month pay and compensation were paid by Banker's cheque on his termination from services. Exhibit M/3 is the acknowledgement receipt whereby the above cheque is said to have sent to the workman and who had received the same. Exhibit M/4 is letter of the workman who made representation on his termination. Thus the documentary evidence clearly shows that the provision of Section 25-F of the Act, 1947 was complied at the time of terminating the workman w.e.f. 7-1-92.

7. Management witness Shri Nirmal Nimawat is Branch Manager at New Katni Branch of SBI. He has also supported the case of the management. He has stated that the workman was not engaged after 6-1-1992 and compensation and one month pay in lieu of notice was paid vide cheque No. 094926. He was not posted at the relevant time and he has deposed on the basis of record. There is nothing in his evidence to disbelieve this witness specially the workman has admitted that he got notice and compensation of the retrenchment. His evidence also establishes that there is no violation of Section 25-F of the Act, 1947.

8. Another point raised by the learned counsel that there is violation of Section 25-G and 25 H of the Act, 1947. The evidence of the workman shows that he has not taken the name of any person who was working at the time of the workman and was junior to him. There is also no evidence that he was retrenched and his junior was retained in the service who was also of the same category. There is also no evidence that after his retrenchment another person was engaged of the same category. The evidence of the workman clearly shows that he has not taken the name of any other person who is either retained in the service and was junior to him or engaged thereafter. Thus it is clear that Section 25-G or 25-H of the Act 1947 is not applicable. The

learned counsel for the workman has cited decisions reported in 1968 AIR (Raj)-0-227 Vinay Kumar Majoo Vrs. State, 2001-LLJ-2-1489, State of Haryana Vrs. Mani Ram and 1981 KERLT-0-164 Prabhakaran Vrs. General Manager K.S.R. T. C. These are on the provision of Section 25 G of the Act, 1947. Since the said section is not applicable in the instant case and as such these rulings are not applicable in the case. Accordingly this issue is decided in favour of the management and against the workman.

9. Issue No. II

On the basis of the discussions made above, I find that there is no violation of the provision of the Act, 1947 and therefore the workman is not entitled to any relief. Accordingly the reference is answered.

10. In the result, the award is passed without any order to costs.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंदिरा गांधी राष्ट्रीय वेन एकडमी आफिसर मेस एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 117/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-42012/299/2003-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 117/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Indira Gandhi Rastriya Van Academy Officer Mess and their workmen, received by the Central Government on 4-7-2011.

[No. L-42012/299/2003-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT LUCKNOW

PRESENT: Dr. MANJU NIGAM, Presiding Officer

I.D. No. 117/2004

Ref. No. L-42012/299/2003-IR(CM-II) dated: 17-08-2004

BETWEEN

Shri Bhawan Singh S/o Late Sh. Nag Singh,
R/o F.R.I., Quarter No. G-6
Dehradun

AND

The Vice President,
Indira Gandhi Rastriya Van Academy Officer Mess,
Forest Research Institute,
PO-New Forest,
Dehradun

AWARD

1. By order No. L-42012/299/2003-IR(CM-II) dated 17-08-2004 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Bhawan Singh, S/o Late Sh. Nag Singh, R/o F.R.I., Quarter No. G-6, Dehradun and the Vice President, Indira Gandhi Rastriya Van Academy Officer Mess, Forest Research Institute, PO-New Forest, Dehradun for adjudication.

2. The reference under adjudication is:

"Whether the action of the management of Indira Gandhi Rastriya Van Academy Officer Mess (I.G.N.F.A.) Management in terminating the services of Sh. Bhawan Singh S/o Late Sh. Nag Singh, Mess Bearer w.e.f. 8-4-99 is legal and justified? If not, to what relief the workman is entitled?"

3. The order of reference was received in this Tribunal and was ordered to be registered on 8-12-2004. The registered notice was issued to the workman vide dated 7-1-2005; but the notice was received back in the office with endorsement that 'no one resides in this no. with this name'. The case was also taken up at camp court, Dehradun on 25-2-2005 & 11-3-2005; but none appeared from the either parties nor any statement of claim was filed; accordingly, a no claim award was passed vide dated 11-4-2005, which was notified vide notification dated, 25-4-2005.

Thereafter, the workman filed a miscellaneous application to recall the no claim award dated 11-4-2005, which was registered as Misc. case No. 09/2005. After hearing the parties, the no claim award dated 11-4-2005 was recalled vide order dated 25-08-2006 and the present industrial dispute was revived at its original number giving an opportunity to the workman to file its statement of claim; and accordingly, the workman filed the same.

4. The case of the workman, Bhawan Singh, in brief, is that he was appointed substantively on the clearly vacant permanent post of Mess Bearer in the Officer Mess, Indira Gandhi Rashtriya Van Academy in the year 1985 and continued to work as such till 8-4-1999 when his

services were abruptly terminated without any show cause notice or complying with the pre-requisitions of Section 25 N of the I.D. Act, 1947; and accordingly, has prayed that the action of the management in terminating his services w.e.f. 8-04-1999 be declared illegal and unjustified and he be reinstated retrospectively, with continuity in service and all consequential benefits including full back wages.

5. The management of the Indira Gandhi Rashtriya Van Academy has disputed the claim of the workman and has submitted that the workman was appointed as a Bearer vide letter dated 11-8-88, on temporary basis and was never appointed on permanent basis; and his services were terminated vide order dated 12-6-1990. It is further submitted that the services of the workman were terminated under the provisions of Indira Gandhi National Forest Academy Officer Mess Constitution - XII (8), on the Report of the Enquiry Committee, set up to enquire in to the misconduct committed by the workman. The Committee found the workman guilty of having articles of mess illegally with him, as such, there arise no question of any violation of Rules and Principles of Natural Justice. It is also submitted by the management that the Indira Gandhi National Forest Academy is a non-profitable organization run by the Indian Forest Officers, undergoing training in Indira Gandhi National Forest Academy and it does not come under the definition of 'industry' as defined in Section 2(j) of the Act. Accordingly, the management has prayed that the claim of the workman be rejected without any relief to the workman.

6. Time was given to the workman to file rejoinder but the workman refrained to file any rejoinder on several dates i.e. 17-5-2007, 2-8-2007 & 6-9-2007; accordingly, closing his opportunity to file rejoinder 9-10-2007 was fixed for workman's evidence and for cross-examination. On the date fixed i.e. 9-10-2007 neither workman nor his representative was present nor evidence was filed; accordingly, the next date was fixed for opposite party's evidence.

7. The management also refrained to file any evidence on the dates fixed for the same i.e. 6-12-2007, 12-2-2008, 3-11-2008, 18-12-2008, 26-3-2008, 29-7-2009, 7-10-2009, 23-11-2009, 28-1-2010, 1-4-2010, 24-5-2010, 15-7-2010, 1-9-2010, 21-10-2010, 2-12-2010, 18-02-2011 and 25-03-2011. Accordingly, next date 15-4-2011 was fixed for arguments.

8. On the date fixed for arguments the workman did not turn to forward his arguments. On the other hand the representative of the management was not present to forward its arguments and keeping in view the fact that the case pertains to the year 2004 and the workman was not turning up since 2006 on so many dates, the case was reserved after award.

9. Perused the entire evidence on record.

10. The case of the workman is that he was appointed substantively on the clearly vacant permanent post of Mess Bearer with the opposite party and his services were abruptly terminated without any show cause notice or complying with the provisions contained in Section 25 N of the I.D. Act, 1947; but, he has not turned up to sustain his case.

11. Per contra, the management of the Indira Gandhi Rashtriya Van Academy has disputed the claim of the workman and has submitted that the services of the workman were terminated under the provisions of Indira Gandhi National Forest Academy Officer Mess Constitution - XII (8), on the Report of the Enquiry Committee, set up to enquire in to the misconduct committed by the workman and there arise no question of any violation of Rules.

12. It is well settled that if a party challenges the legality of order, the burden lies upon him to prove illegality of the order and if no evidence is produced by the party, invoking jurisdiction of the court, must fail. In the present case burden was on the workman to set out the grounds to challenge the validity of the termination order and to prove the termination order was illegal. It was the case of the workman that his services had been terminated without giving him any opportunity to defend himself, which amounts to violation of principles of natural justice. This claim has been denied by the management; therefore, it was for the workman to lead evidence to show that he his services, in fact, was terminated without affording him any opportunity.

13. In the present case the workman has not turned to substantiate his case by way of filing documentary as well as oral evidence. Merely pleadings are no substitute for proof. It was workman to come forward with the case that before termination of his services he was not served any charge sheet or show cause notice and this act of the management was in violations of the settled principles of natural justice; but he failed to do so as he did not turn up after filing his statement of claim before this Tribunal. There is no reliable material for recording findings that the alleged injustice was done to the workman or the alleged unjust or illegal order of termination was passed by the management.

14. Accordingly, the reference is adjudicated against the workman Bhawan Singh; and as such, I come to the conclusion that he is not entitled to any of the relief (s) claimed by him.

15. Award as above.

LUCKNOW.
3-06-2011.

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

क्र.आ. 1991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 102/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-7-2011 को प्राप्त हुआ था।

[सं. एल-12012/42/2004-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 102/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between employers in relation to the management of State Bank of India and their workman, received by the Central Government on 1-7-2011.

[No. L-12012/42/2004-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :- Shri Ved Prakash Gaur, Presiding Officer

Dated the 18th day of April, 2011

INDUSTRIAL DISPUTE No. 102/2004

Between:

Sri G. Venkataratnam,
Gollapudivani Street, D.No.16-19-107,
Main Road,
Old Guntur,
Guntur District.

...Petitioner

AND

The Assistant General Manager,
State Bank of India, RG-V,
Zonal Office, No.29-14-59,
Route No.5,
Surya Rao Pet,
Vijayawada.

...Respondent

APPEARANCES:

For the Petitioner : M/s. G. Suresh & K.S.V. Subba Rao,
Advocates

For the Respondent : M/s. B.G. Ravindra Reddy,
B.V. Chandra Sekhar &
P. Srinivasulu, Advocates

AWARD

This reference received from Government of India, Ministry of Labour vide order No. L-12012/42/2004-IR (B-I) dated 23-7-2004 to adjudicate the dispute under Section 10(1)(d) of the I.D. Act, 1947. It has been registered as ID No.102/2004 and notices were issued to the parties for filing their respective statements. The term of reference is as under:

SCHEDULE

"Whether the action of the management of State Bank of India, Vijayawada in dismissing the services of Sh. G. Venkata Ratnam, Ex-Clerk is justified? If not, to what relief the workman is entitled to?"

2. The Petitioner has submitted claim statement wherein he has stated that he joined the Respondent bank's service as clerk on 4-8-1983. While he was functioning as Assistant (A & C), he was suspended on 28-8-2001 on certain baseless allegations through memo dated 8-9-2001, 29-10-2001 and 3-12-2001 and was asked to give his explanation.

3. Petitioner has submitted his explanation denying all the charges. An enquiry was ordered and Enquiry Officer was appointed on 29-1-2002. Presenting Officer was also appointed, the enquiry was conducted on 7-3-2002 and 18-3-2002. After hearing the parties Enquiry Officer submitted his report on 29-4-2002 to Disciplinary Authority who sought the explanation of the workman.

4. The Petitioner submitted his comments on the report of the Enquiry Officer. The Disciplinary Authority vide proceeding dated 31-7-2002 proposed to impose punishment of dismissal from service and offered for the personal hearing of the Petitioner. Petitioner submitted his representation on 31-8-2002. Thereafter the Disciplinary Authority through proceeding dated 9-9-2002 dismissed the Petitioner from service. Petitioner submitted appeal and made personal hearing before the Appellate Authority who rejected the appeal vide order dated 17-12-2002.

5. Petitioner raised industrial dispute before ALC(C), the same was resulted in failure and the matter was referred to the Government of India who has referred the case before this tribunal. Petitioner has assailed the dismissal on the ground that there was no legal evidence to prove the charges against the Petitioner, the finding of the Enquiry Officer is based on no evidence. The Enquiry Officer as well as Disciplinary Authority acted mechanically. The contention raised by the Petitioner was not considered by the authorities. The proceedings were conducted in a pre-determined, biased manner. The order passed by a Disciplinary Authority is not a speaking order. The charge framed against the Petitioner was of biased nature and it shows the pre-determined mind of the Disciplinary Authority. The complainant

Sri Mekala Nageswara Rao was not produced before Enquiry Officer and the evidence relied upon by Enquiry Officer basing on which enquiry report prepared is of the Branch Manager who was not a complainant. The main complainant was not put for cross-examination and thereby the case of the Petitioner was prejudiced. There was no legal evidence before the Enquiry Officer, his report is biased and with pre-determination of the mind, as well as the dismissal order suffers from legality and non-compliance of principles of natural justice and deserves to be quashed.

6. The bank management has filed written statement admitting therein that the Petitioner was appointed on 4-8-1983 and he was suspended w.e.f. 28-8-2001 he was issued with a charge sheet dated 4-1-2002 which reads as under:-

"It is reported that you have received an amount of Rs.4050 from Shri M. Nageswara Rao for credit of his SB Account No.7/939 on 3-10-2000 and entered the same in his pass book and authenticated the resultant balance with your initials but you have not accounted for the same in the branch books with a fraudulent intention.

The details are as under:

Sl. No.	Name of the Customer	Account No.	Date	Amount Rs.
1	Sri Ch. Narasimha Rao	AG8/1006	2-7-2001	500
2	Mohammad Mahila Group	C&I/SB/83	11-7-2001	400
3	Smt. Gummididala Jayamma	AG8/1026	20-8-2001	400
4	Sri K. Siva Sankara Babu	SB P1/46	16-5-2001	300
5	Smt K Nagen-dramma	RDA/c 113	16-5-2001	500
6	Sri M. Venkates-swarlu	RDA/c 121	23-4-2001	1000
7	Sri Pattan Khasim	SB A/c P3/ 371	12-6-2001	200
8	Amarnadh Mahila Group	C&I/SB/79	6-8-2001	500

03. Your act of receiving cash and not putting it through the day's transactions with a fraudulent intention and making entries in the pass books of various customers and authenticating the same with your initials without supporting vouchers are the acts of gross misconduct prejudicial to the interests of the Bank in terms of para 521(4)(j) of Sastry Award and,

04. You are, therefore, required to submit in writing your explanation to the above allegations within 15 days from the date of receipt of this memorandum failing which

it will be construed that you have no explanation to offer and you will be proceeded against accordingly."

7. The Petitioner submitted his explanation on 21-1-2002 which was not found satisfactory and it was decided to conduct an enquiry. Accordingly, enquiry was ordered. Enquiry Officer was appointed who issued show cause notice providing all relevant particulars mentioning the irregularities/lapses committed by the workman and workman was called upon to defend himself who submitted his explanation participated in enquiry proceeding and made submission before the Enquiry Officer. Basing on the evidence produced before the Enquiry Officer he submitted his report as such, there is no violation of principles of natural justice. The order of Disciplinary Authority is passed on detailed discussion of the charges on the basis of the finding and submission of the workman. The charge-sheet was clear, specific containing the dates of irregularities committed by the Petitioner. The Petitioner's malafides in accepting the receipts and not accounting for the same in Branch books but entering the same in the customer's pass books under his authenticated initials are proved. The punishment is commensurate with the gravity of the misconduct committed by the Petitioner. Hon'ble Supreme Court of India in the matter of United Commercial Bank Vs. P.C. Kakkar Reported in 2003 AIR SCW 944 specifically held that a bank employee is required to exercise higher standards of honesty and integrity. Good conduct and discipline are inseparable from the functioning of every employee/officer of the bank. The very discipline of an organization very particularly that of the bank is depending upon each of its employee and officer acting and operating within their allotted sphere.

8. It has further been alleged that the past service of the Petitioner was also dealt with in the second show cause notice wherein the Petitioner was awarded with punishments on three occasions detailed as under:

Date of punishment	Misconduct	While working at Branch	Punishment
2-3-1988	Issuing cheques without maintaining sufficient balance. Acting prejudicial to the interest of the bank	As Clerk at Guntur	Stoppage of two annual increments
29-5-1990	Fraudulent withdrawal in SB account	As Clerk/Cashier at Arundelpet	Cancellation of 5 increments
27-9-1996	Absenting without sanction of leave. Pecuniary obligation to money lenders.	As Asst. (Accts.) at Bandlamottu	Warning

As such, it cannot be said that the past service of the Petitioner workman was unblemished.

9. The contention of the Petitioner that customer complainant was not examined nor put forward for cross-examination and thus, the principles of natural justice is not violated. As Hon'ble Supreme Court of India in the matter of State Bank of Patiala and Others Vs. S.K. Sharma reported in 1996(2) Bank CLR59(SC) has specifically held that in the cases involving misappropriation, if through the available evidence the charges framed against the delinquent employee are substantially been proved, the non-production of complainants is not fatal to the proceedings and as such, the punishment inflicted by the Disciplinary Authority can not be interfered with. The Enquiry Officer has submitted his report on the basis of evidence following the principles of natural justice. During course of personal hearing the Petitioner submitted written statement he brought it out that bank is incurring losses by writing off loans to public which become bad and comparing the same with the present loss of Rs. 8850 written off by the bank due to the irregularities committed by him. He sought the punishment imposed by the Disciplinary Authority to be quashed. The Appellate Authority found no merit on this ground and rejected the appeal. The claim petition has got no force and deserves to be dismissed.

10. Parties were directed to produce their evidence. Petitioner workman filed 14 documents as per list Ex.W1 to W14, the same way Respondent bank has also filed proceeding book along with entire proceeding taken before the Enquiry Officer, evidence of the parties, finding of the Enquiry Officer, which were marked as Ex.M 1 to M 19.

11. The Petitioner of this case has raised objection against the legality and validity of the domestic enquiry as such, the question of legality and validity of the domestic enquiry was considered by this tribunal as preliminary point and by the order dated 7-11-2008, this tribunal has held that domestic enquiry conducted in this case is valid and legal and posted the matter for hearing under Sec. 11A of the Industrial Disputes Act, 1947.

12. Both the parties have filed their written submissions under Sec. 11A of the Industrial Disputes Act, 1947.

13. Learned Counsel for the Petitioner had argued that the two charges were framed against the Petitioner, the first charge was that the Petitioner received the amount of Rs. 4050 from one Mr. M. Nageswara Rao for credit to his SB Account No. 7/939 on 3-10-2000, entered the same in his pass book and authenticated the resultant balance with his own initials but did not account the same in the branch book with fraudulent nature. Second charge was that he was reported to have posted under noted credit entries in the pass books of customers, authenticated the

resultant amount with his own initials in the passbooks without supporting vouchers, with a fraudulent intention. The said charges were denied by the Petitioner. However, during course of enquiry PW1 Sri K. Koteswara Rao, Branch Manager was examined. He has marked 39 documents during course of his examination before Enquiry Officer as PEX.1 to PEX.39, who has stated that the Petitioner performed the duty of a clerk on 3-10-2000 although he was working in clerical seat, the Petitioner workman received a sum of Rs. 4050 from Mr. M. Nageswara Rao customer of the bank for credit to his Savings Bank Account No.7/939, he made the entry in his pass book under his initial but the same amount was not entered in the branch's book which is evident from PEX.5. The employee misappropriated the amount and bank's instructions. He further stated that posting a subsequent credit of Rs. 100 on 14-10-2000 in the ledger and pass book. The charge-sheeted employee feared to bring to the notice of the Branch Manager the difference between the balance in the ledger sheet and the pass book. He further stated that on 28-3-2001 the depositor came to the bank for withdrawal of Rs. 3600 as the existing balance in the account was insufficient to meet the payment of the withdrawal the charge-sheeted employee working as Assistant in the SB seat credited an amount of Rs. 200 through PEX.3 he put the signature as GVR on the credit voucher and arranged for the payment of said withdrawal to the customer.

14. He has argued that PW1 could not recognize the signature of PEX.3, how the Presenting Officer recognized the signature, is a matter of suspicion and how he came to this conclusion that the credited amount Rs. 200 was made by the Petitioner was lacking at the time of departmental enquiry. He has further argued that the complainant has explained through DEX.1 as to how they got the entry made in their pass book. He has further argued that the name of Charge sheeted employee was not mentioned in PEX.18. How the Branch Manager came to know about the name of complainant is a question which was not considered by Enquiry Officer. Moreover, alleged complainant is an illiterate lady how she know the manner of transaction in the bank. The DEX.2 and DEX.3 have explained how they got their amount entered into their pass books. This material fact was not considered. The author of the complaint Mr. M. Nageswara Rao was not produced. This has prejudiced the case of the Petitioner and Petitioner could not cross-examine Mr. M. Nageswara Rao. The Learned Counsel for the Petitioner has criticized PW1, Branch Manager who is produced by the management before the Enquiry Officer.

15. However, Learned Counsel for the management has argued that clear charge-sheet was served on Petitioner

alleging each and every detail in the charge sheet. Enquiry was conducted and Petitioner participated in the enquiry. The PW1 Branch Manager has marked 39 documents which pertain to the transaction in question. He was cross examined by the Petitioner workman. The Petitioner has not challenged the veracity of the Branch Manager that initials made in the customer's pass book are not of the Petitioner workman or Petitioner workman has not received the alleged amount alleged to have been received by him, alleged to have made entry into customer's book, as such, non-production of the complainant of the case is not fatal to the management nor it is prejudicial for the complainant in any way. The Petitioner has received the amount, he entered the amount in the customer's pass book but he did not pass the same in Branch day book and thereby he has misappropriated the amount. The misconduct of the Petitioner was proved by production of the document as well as PW1, the Branch Manager. Petitioner workman has not been able to prove himself as innocent person and that he has not received the amount or not made his authenticated signatures, as such, it cannot be said that the Petitioner is an innocent person. In the light of the above argument this tribunal has to consider,

(I) Whether the action of management in terminating the service of Petitioner is legal and justified or not? and

(II) To what relief the Petitioner is entitled, if any?

16. Point No. (I):

As alleged the Petitioner received a sum of Rs. 4050 from Mr. M. Nageswara Rao for credit to his account No.7/939 on 3-10-2000. He has entered the same in the pass book of the customer but has not entered in the Branch Books. It is further reported that he posted credit entries in the pass books of customers and have authenticated the resultant balance under his initials in the pass books without supporting vouchers with a fraudulent intention. Details as per charge-sheet reproduced as under:

"It is reported that you have received an amount of Rs. 4050 from Shri M. Nageswara Rao for credit of his SB Account No.7/939 on 3-10-2000 and entered the same in his pass book and authenticated the resultant balance with your initials but you have not accounted for the same in the branch books with a fraudulent intention.

The details are as under:

Sl. No.	Name of the Customer	Account No.	Date	Amount Rs.
(1)	(2)	(3)	(4)	(5)
1	Sri Ch. Narasimha Rao	AG8/1006	2-7-2001	500

(1)	(2)	(3)	(4)	(5)
2	Mohammad Mahila Group	C&I/SB/83	11-7-2001	400
3	Smt. Gummidi dala Jayamma	AG8/1026	20-8-2001	400
4	Sri K. Siva Sankara Babu	SB P1/46	16-5-2001	300
5	Smt. K Nagen-dramma	RD A/c 113	16-5-2001	500
6	Sri M. Venkates-warlu	RD A/c 121	23-4-2001	1000
7	Sri Pattan Khasim	SB A/c P3/ 371	12-6-2001	200
8	Amarnadh Mahila Group	C&I/SB/79	6-8-2001	500

Thus, receiving the cash and not posting it to the days transaction and making entries in the pass books of the various customers and authenticating the same with initials without supporting vouchers are acts of gross misconduct which is prejudicial to the interest of the Bank in the terms of para 521 (4) (j) Sastry Award. This material fact has been proved by MW1 who has proved this fact by production of 39 documents PE x. 1 to PE x.39 which has not been challenged by the Petitioner workman as such, the Enquiry Officer as well as this tribunal is of the opinion that the Petitioner received the amount from the customers for depositing in his savings bank account but he did not actually deposited the amount in Bank though he made entries in their pass books and initialed the resultant balance but, he did not acknowledged the amount in the bank's day book as such, the Petitioner has committed misconduct of misappropriation of the bank's amount. His case is that the amount was very meager only Rs. 8850 whereas the bank has written off lakhs of rupees as such, his misconduct is of a very lighter nature. This argument of workman was not acceptable by the Appellate Authority. Not only that this tribunal is also of the opinion that misappropriation of even a single rupee by an employee of the bank who is expected to be of very higher standard of the honesty and integrity and discipline is a grave misconduct. The Petitioner has misappropriated thousands of rupees of customers' money. He has not been able to prove his innocence as such, this tribunal is of the opinion that the action of the management in awarding the punishment of dismissal of a bank employee is not a disproportionate punishment as held by Hon'ble Supreme Court of India in the matter of United Commercial Bank Vs. P.C. Kakkar Reported in 2003 AIR SCW 944 specifically held that a bank employee is required to exercise higher

standards of honesty and integrity. Good conduct and discipline are inseparable from the functioning of every employee/officer of the bank. The very discipline of an organization very particularly that of the bank is depending upon each of its employee and officer acting and operating within their allotted sphere." Point No. 1 is decided accordingly.

17. Point No. (II) :

Petitioner has not been able to prove his bona fides and the disproportionate punishment alleged to have been inflicted by the management as such, he is not entitled for any relief. He deserves no sympathy. Point No.(II) is decided accordingly.

18. In view of the above discussion, this Tribunal is of the opinion that petition deserves to be dismissed and it is dismissed, hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 18th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

- Ex.W1: Disciplinary Proceedings dated 27-8-2001
- Ex.W2: Disciplinary Proceedings dated 4-1-2002.
- Ex.W3: Reply to Disciplinary Proceedings dated 21-1-2002.
- Ex.W4: Disciplinary Proceedings of ZO dated 29-1-2002
- Ex.W5: Disciplinary Proceedings of Domestic Enquiry at ZO dated 9-4-2002.
- Ex.W6: Defense counsel's brief dt.19-4-2002.
- Ex.W7: Disciplinary Proceedings - findings of Enquiry Officer of ZO dt. 6-5-2002.
- Ex.W8: Reply to Disciplinary Proceedings dated 24-5-2002.
- Ex.W9: Disciplinary Proceedings dated 31-7-2002.
- Ex.W10: Copy of reply to Disciplinary Proceedings dated 31-8-2002.

Ex.W11: Disciplinary Proceedings dated 9-9-2002.

Ex.W12: Reply to Disciplinary Proceedings dated 29-10-2002.

Ex.W13: Office copy of Representation submitted to DGM, dt. 22-11-2002.

Ex.W14: Disciplinary Proceedings of ZO 17-12-2002.

Documents marked for the Respondent

- Ex.M1: Charge sheet dt. 4-1-2002.
- Ex.M2: Disciplinary Proceedings dated 21-2-2002.
- Ex.M3: Disciplinary Proceedings - Domestic Enquiry dt. 29-1-2002 vide note No. DPS/R-V/No. 644.
- Ex.M4: Disciplinary Proceedings - Domestic enquiry dt. 29-1-2002 vide note No. DPS/R-V/No. 643.
- Ex.M5: Disciplinary Proceedings - Domestic enquiry dt. 4-2-2002 vide note No. DPS/R-V/No. 662.
- Ex.M6: Disciplinary Proceedings - Domestic enquiry dt. 4-2-2002 vide note No. DPS/R-V/No. 664.
- Ex.M7: Disciplinary Proceedings - Domestic enquiry dt. 4-2-2002 vide note No. DPS/R-V/No. 663.
- Ex.M8: Disciplinary Proceedings - Domestic enquiry dt. 2-2-2002 vide note No. DPS/R-V/No. 663.
- Ex.M9: Disciplinary Proceedings -findings of Enquiry Officer dt. 6-5-2002.
- Ex.M10: Disciplinary Proceedings dt. 29-4-2002.
- Ex.M11: Disciplinary Proceedings dt. 24-5-2002.
- Ex.M12: Disciplinary Proceedings dt. 31-7-2002 proceedings No. DPS/R-V/No. 317.
- Ex.M13: Disciplinary Proceedings dt. 31-7-2002
- Ex.M14: Disciplinary Proceedings dt. 31-7-2002 proceedings No. DPS/R-V/No. 318.
- Ex.M15: Disciplinary Proceedings dt.31-8-2002
- Ex.M16: Proceedings of personal hearing granted to Sri G. Venkataratnam dt. 31-8-2002.
- Ex.M17: Proceedings of personal hearing granted to Sri G. Venkataratnam dt. 22-11-2002.
- Ex.M18: Disciplinary Proceedings dt. 9-9-2002 proceedings No. DPS/R-V/No. 459
- Ex.M19: Final Proceedings of the Asstt General Manger and Disciplinary Authority, State Bank of India, Vijayawada dt. 9-9-2002.

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्फ्यू.सी.एस. के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 108/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-22012/252/2007-आईआर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 108/2007) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the management of WCL, and its workmen, received by the Central Government on 4-7-2011.

[No. L-22012/252/2007-IR(CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/108/07

Presiding Officer : Shri Mohd. Shakir Hasan

The General Secretary,
Samyukta Koyla Mazdoor Sangh (AITUC),
CRO Camp, Iklehra,
Distt. Chhindwara,
Chhindwara

.....Workman/Union

Versus

The Chief General Manager,
WCL, Pench Area,
PO Parasia
Chhindwara

.....Management

AWARD

Passed on this 2nd day of June, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/252/2007-IR (CM-II) dated 25-10-2007 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of WCL in dismissing Shri Hari Prasad w.e.f. 27-1-2007 is legal and justified? If not, to what relief is the workman entitled?”

2. The workman/Union did not appear in the case inspite of proper notice.

3. The management appeared physically and filed copy of the settlement arrived between the parties. The case in short is that the workman was terminated on the ground of long absenteeism/habitual absenteeism without any sanctioned leave.

4. The copy of the settlement is filed alongwith copy of appointment letter whereby the workman is re-employed as Category-I Mazdoor. The copy of the settlement shows that the parties have signed the settlement alongwith the representative of the Union. The settlement appears to be in order. The terms of settlement are as follows—

(i) Shri Hari Prasad S/o Roshanlal Ex-Roof-Bolter, Thesgora Mine of Pench Area will be re-employed afresh as General Mazdoor in Cat-I for underground mine of Pathakhara Area and he will be paid initial basic of Cat-I/U.G.

(ii) Such re-employment will be subject to medical fitness so certified by the Company Doctor.

(iii) Shri Hari Prasad S/o Roshanlal, Ex-Roof Bolter, Thesgora Mine of Pench Area shall remain on probation for a period of one year from the date of joining and he has to put in minimum 190 days of attendance in a year. In case his attendance and general performance is not found satisfactory by the management, his services shall automatically stand terminated without any enquiry or assigning any reason thereof.

(iv) Shri Hari Prasad S/o Roshanlal, Ex-Roof Bolter, Thesgora Mine of Pench Area shall be entitled only for continuity of service for the limited purpose of gratuity and this will be full and final settlement. Further, the benefit of continuity of service will not be extended in such case where the person has been paid gratuity payment. This shall be full and final settlement and no further claim what so ever shall be made in future.

(v) The period from the date of termination till re-employment and joining on his duty will be treated as dies-non on the principle of no work no pay.

(vi) Form-II settlement individually or through Union, incorporating the above terms and conditions for entering into employment and the same will be sent for registration to the Labour machinery.

(vii) in case any dispute is pending before the CGIT, the re-employed person should withdraw the same from CGIT by filing a copy of Settlement for consent award. If any matter is pending before any other courts, the Union/Ex-employee will withdraw the case from the concerned court. Shri Hari Prasad S/o Roshanlal CGIT case referred by Ministry of Labour to CGIT

Jabalpur but number was not allotted by Hon'ble Court.

(viii) He shall have no right to apply for VRS at later stage."

5. It appears that in terms of settlement of dispute and in view of the issuance of the appointment letter, the Union/workman did not appear to contest the reference. However the reference is answered in terms of the settlement.

6. In the result, the award is passed in terms of settlement without any order to costs.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 246/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-22012/601/1999-आईआर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 246/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of WCL and their workmen, which was received by the Central Government on 4-7-2011.

[No. L-22012/601/1999-IR(CM-II)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/246/2000 Date: 15-6-2011

Party No. 1 The Sub Area Manager,
Saoner Sub Area, Saoner Sub Area of
WCL, Saoner,
Distt. Nagpur (M.S.)

Versus

Party No. 2 The Ishwar Pundlik,
Ex.- General Mazdoor, At: Bhojapur,
PO: Ramtek, Distt. Nagpur (though the
Joint General Secretary, Rashtriya Koyla
Khadan Mazdoor Sangh (INTUC)
Union, Nagpur.

AWARD

(Dated: 15th June, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the Sub Area Manager, Saoner Sub Area and their workmen, Shri Ishwar Pundlik for adjudication, as per letter No. L-22012/601/99-IR (CM-II) dated 28-07-2000/01-08-2000, with the following schedule:—

"Whether the action of the management of Saoner Sub-Area, Western Coalfields Ltd. in dismissing the service of Shri Ishwar Pundlik, Ex. General Mazdoor is legal and justified? If not, to what relief the workman is entitled?"

Being noticed, the workman, Shri Ishwar Pundlik ("the workman" in short) filed his statement of claim through the union, Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Nagpur ("the Union" in short) and the management of WCL ("the Party No. 1" in short) filed the written statement.

The case of the workman is that initially he was appointed as a casual mazdoor with party No. 1 of 20-4-81 and was posted at Inder Colliery and subsequently, he was transferred to Saoner Mine No. 2 and the same was an administrative transfer and he was regularized as a permanent employee w.e.f. 1-1-94 and he was charge sheeted on 16-8-97 on the allegation of remaining absent from work for more than 10 days without any information and without sufficient cause, by the party no. 1 and a departmental enquiry was ordered on 22-8-97 and after the enquiry, the Inquiry Officer submitted the enquiry report on 29-8-97 and the enquiry officer conducted the enquiry in a haste and in-camera without any prior notice to him and the enquiry was conducted ex-parte within a period of one week and he was denied reasonable opportunity to defend himself in the enquiry and before passing of the order of dismissal from service w.e.f. 18-6-98, no second notice was served on him. It is further pleaded by the workman that he could not attend his duties in the month of July/August, 1997 due to sickness and when he reported for duty on 14-8-97 alongwith the Medical certificate, the Manager, Saoner Mine No. 2 though accepted the medical certificate, refused to give him work, on the ground of issuance of the charge sheet for absenteeism and informed him that decision would be taken to allow him to resume duties or not, only after completion of the departmental enquiry, but in spite of the same, he was reporting in the time office Saoner Mine for duty with effect from 16-8-97, but he was neither provided with any work nor his attendance was recorded and by order dated 17-6-98 (wrongly mentioned as "17-6-99", in the statement of claim), the party no. 1 awarded the punishment of dismissal from service w.e.f. 18-6-98, but the said dismissal order was not served on him and he came to know about

the same from the staff of the office of party No. 1 and on coming to know about the same, he preferred an appeal to the CGM, WCL, Nagpur Area on 31-5-99, but no reply was received by him in spite of his repeated personal request and as such, he raised the industrial dispute before ALC (Central)-II, Nagpur on 15-7-99 and as the conciliation proceeding ended in failure, the ALC submitted the failure report to the Central Government. The workman also raised objection in his statement of claim about the management keeping him as casual workman for years together in violation of the provisions of the standing orders, which provide for absorption of a workman in service in the permanent rolls after completion of three months service. It is necessary to mention here that as the reference is only regarding the dismissal of the workman from service, there is no scope for consideration of the allegations made by the workman about the management keeping him as casual workman for years.

The workman has prayed for setting aside the order of dismissal from service and to quash the same and for his reinstatement in service with continuity and full back wages.

3. The party No. 1 in its written statement has pleaded that the workman has made baseless allegations in respect of non-regularization and the workman even after regularisation did not work for the whole year and he worked for 138, 156, 97 and 107 days, in 1994, 1995, 1996 and 1997 respectively and he was a chronic absentee and he had been issued with nine warnings and charge-sheeted thrice for unauthorized absence and was also put under suspension for the period from 16-2-89 to 20-2-89 and 21-10-89 to 28-10-89 for unauthorized absence and the workman had admitted the charge levelled against him and as such, he is debarred from challenging the action and punishment imposed against him and the enquiry was not conducted in a haste and in camera, without prior notice to the workman as alleged and opportunity was given to him to defend the case and second show cause notice was issued on 9-9-97 and as the workman did not respond, one more reminder notice was issued on 8-12-97 and thereafter only the workman was dismissed w.e.f. 18-6-98 and the principles of natural justice were complied with and the workman never reported for duty on 14-8-97 and the theory of illness is nothing but a concocted story on behalf of the workman, which can be found from the fact that the said reason had not been raised by him in the enquiry and the workman appeared in the enquiry on 27-8-97 and admitted the allegations levelled against him and also signed the proceedings in support of the same and the allegations were also admitted by the workman vide his letter dated 16-8-97 addressed to the Manager (Mines) and the order of dismissal was served upon the workman on the very day and during the pendency of the appeal filed by him, the workman, resorted to conciliation proceedings and as such, the same was not decided and the workman is not entitled to any relief.

4. In his rejoinder, the workman has stated that as the Inquiry Officer assured him that nothing would be happened in case of his accepting the charges, he signed the enquiry proceedings without knowing the actual consequences and the issuance of nine warning letters were not pleaded in the disciplinary proceeding and the periods of suspension as mentioned in the written statement were neither preceded nor followed by disciplinary proceedings and therefore the action of the management was unjustified.

5. As this is a case of dismissal from service after holding a departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration and vide order dated 4-12-2006, the departmental enquiry was held to be proper and legal.

6. At the time of argument, it was submitted by the union representative that the charges levelled against the workman are vague and not specific and records were not produced by the management in the departmental enquiry and the enquiry was concluded in a single sitting and the Inquiry Officer forcefully recorded the acceptance allegations in the enquiry and the workman examined himself as a witness in support of his claims but he was not cross-examined by the management, even though management was given a chance for the same and as such, it can be held that the charges levelled against the workman have not been proved and as the certified standing orders of WCL provide for serving notice for second show cause notice and in this case, no second show cause notice was issued, the order of dismissal from service can be held to be illegal and as from 1981 to 1998, the workman had not been awarded with any punishment, the punishment of dismissal from service is harsh and totally disproportionate to the charges levelled against him. In support of such contention, reliance was placed on the judgement reported in 2010 LAB IC - 3805 (Regional Manager, Dena Bank Vs Hareishbhai N. Goswami).

7. In reply, it was submitted by the representative for the management that the workman was a habitual absentee and he admitted the charges levelled against him and as such, he is debarred from challenging the punishment and the workman was dismissed on 17-6-98 and there was delay in approaching the Tribunal and on the ground of delay and laches, the claim is not maintainable and as the workman violated the terms contained in the Standing Orders, he did not deserve any leniency and the punishment of dismissal from service cannot be said to be disproportionate. In support of such contentions, reliance was placed on the decisions reported in 1998 (2) Mh. LJ-135 (State of Mah. Vs. Dnyaneshwar), AIR-2004 SC - 4161 (Delhi Transport Corporation Vs. Sardar Singh), AIR 2000 SC - 2198 (Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association) and AIR 2003 - SC - 1462 (Regional Manager, UP RTC Vs. Hotilal).

8. So far the contention raised by the union representative regarding the vagueness and non-

specification of the charges is concerned, the same is simply to be mentioned and rejected as such plea was neither taken in the statement of claim and rejoinder nor in the evidence of the workman filed on affidavit. Moreover, on perusal of the chargesheet, it is found that the charges leveled against the workman are not vague and the charges leveled are very specific. Hence, I find no force in the said contention.

9. So far the contention raised regarding non-supply of the second show cause notice is concerned, such contention had been taken for consideration at the time of deciding the preliminary issue about the validity of the enquiry and it was held that the second show cause notice had been served on the petitioner along with the copy of the enquiry report of the Inquiry Officer. Hence, there is no question of considering the said submission again.

10. In the decision reported in 2010 LAB IC 3805 (supra) it has been held by the Hon'ble Court that,

"Industrial Disputes Act (14 of 1947), S 11A - Procedure - Termination of service - challenged before Tribunal - Employer raised number of contentions and written arguments - But not cross-examined workman and not produced documentary evidence and led oral evidence in support of contentions raised in written statement and written arguments - Held, said contentions cannot be considered to be proved."

The above decision has been cited by the union representative in support of the contention that in this case, management has not cross-examined the workman and as such, the averments made by the workman in his evidence on affidavit stands proved and unchallenged. However, with respect, I am of the opinion that the above stated judgment has no application to the present case at hand, because in this case, the evidence of the workman on affidavit was filed in respect of the validity of the departmental enquiry and not in respect of the perversity of the findings and quantum of punishment. There is also nothing in the affidavit of the workman regarding the perversity of the findings and quantum of punishment. Moreover, documents of the departmental enquiry and other relevant documents have been filed by the management. Hence, I find no force in the contention raised by the union representative.

11. On perusal of the documents filed by the management, it is found that the workman had admitted the charges of remaining unauthorized absent, in his show cause and so also before the Inquiry Officer. It was canvassed by the union representative that as the Inquiry Officer assured the workman that nothing would happen to him in case of his admitting his guilt, the workman admitted his guilt. However, I find no force in the said contention, as because, in his show cause to the charge sheet, the workman clearly and categorically had admitted the charges leveled against him. It is also clear from materials on record that the workman attended the enquiry on 27-8-97 and when he was asked by the Inquiry Officer

as to whether he admits the charges leveled against him or not, the workman admitted the charges and he had also stated that he admitted the charges on his own will and without any pressure. In view of the admission of the workman of the charges leveled against him and the other materials on record, it is found that the findings of the Inquiry Officer are not perverted.

12. So far the quantum of punishment is concerned, it is found from record that the workman remained absent from duty without sanction of leave. The conduct of the workman in this case is nothing but irresponsible in extreme and can hardly be justified. Hence, the punishment imposed against the workman cannot be held as shockingly disproportionate to the proved misconduct against him. Hence, there is no scope to interfere with the punishment. Hence, it is ordered.

ORDER

The action of the management of Saoner Sub-Area, Western Coalfields Ltd. in dismissing the service of Shri Ishwar Pundlik, Ex-General Mazdoor is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1994.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एन जी पी/135/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-22012/274/2001-आईआर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/135/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Wani North Area Ukni of Western Coalfields Ltd. and their workmen, received by the Central Government on 4-7-2011.

[No. L-22012/274/2001-IR(CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/135/2002 Date: 16-6-2011

Party No. 1 The General Manager,
Wani North Area Ukni of Western
Coalfields Ltd., Post- Ukni, Tah.-Wani,
Dist. Chandrapur (MS).

Versus**Party No. 2**

Shri S.R. Pendre,
General Secretary, Lal Bavata Koyla
Kamgar Union, Bhiwapur Ward No.27,
Post & Dist.Chandrapur, Chandrapur
(MS).

AWARD

(Dated : 16th June, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani North Area Ukni of Western Coalfields Ltd. and their workman, Shri Pramod Devtale for adjudication, as per letter No. L- 22012/274/2001-IR (CM-II) dated 19-7-2002, with the following schedule:—

"Whether the action of the management of Ukni Open Cast Project of Western Coalfields Ltd. in terminating the services of Shri Pramod Devtale, vide Order No. WCL/WNA/SAM/Ukni/PER/99/893 dated 9/10-7-1999 is legal and justified? If not, whether the demand that his wife Smt. Sunita should be granted employment is just and fair? If so to what relief is the said dependent entitled?"

2. Being noticed, the petitioner, Smt. Sunita ("the petitioner" in short) filed the statement of claim through the union, "Lal Bavata Koyla Kamgar Union" ("the union" in short) and management of Wani North Area Ukni of Western Coalfields Ltd. ("the Party No. 1" in short) filed their written statement.

The case of the petitioner is that her husband late Pramod Devtale was working as a Clerk and as her husband fell ill in the second week of June, 1996 and could not able to attend his duties, so she informed about the same to the Manager in writing, but the Manager did not give her any acknowledgement and after prolonged illness, her husband died on 10-4-2000 and during the illness of her husband, neither any notice nor any letter was received from the Manager, Ukni Project office and soon after the death of her husband, on 10-4-2000 and after receipt of the death certificate from Grampanchayat, Kawdasi on 19-4-2000, she made applications for compassionate appointment, as per the provisions of NCWA, but on 20-4-2000, she was informed by the party no. 1 that her husband had already been terminated from service w.e.f. 9/10-7-99 and the party No. 1 denied to give her any employment on compassionate ground and the termination of the service of her husband is illegal, unjustified, mala fide and bad in-law-as no notice or charge-sheet had been given and there was never any enquiry against her husband and as such, she raised the dispute before the Conciliation Officer (Central), Chandrapur and as the conciliation failed, failure report was submitted by the conciliation officer to the Central Government. The

petitioner has prayed to set aside the order of termination of her deceased husband from services and to give her all the monetary benefits and to provide her job on compassionate ground, as per the provisions of NCWA.

3. The party No. 1 resisted the claim of the petitioner by filing its written statement and pleading inter alia that the union is not competent to raise the dispute on behalf of the petitioner and the reference is void ab initio as the workman, late Pramod Devtale had already died prior to raising of the industrial dispute and the petitioner not being a workman and there being no relationship of employer and employee between the petitioner and the party No. 1 the petitioner has no locus-standi to challenge the termination of the service of her late husband and the deceased workman Pramod Devtale was working as a Clerk Grade-II at Ukni Open Cast Project, before his services were terminated and he had developed the habit of remaining unauthorized absent without sanction of leave, for which, he had been cautioned on several occasions and he remained absent from 8-6-96 without permission for the same from the management, therefore, he was charge-sheeted vide office Order No. 206 dt. 10/13-7-1996 and he was directed to submit his written explanation within three days of receipt of the charge-sheet and the deceased workman submitted his explanation by letter dt. 18-7-96 denying the charges and claiming that he was sick, but no medical certificate was attached to the show cause and as the explanation submitted by him was found not to be satisfactory, order was passed to hold a departmental enquiry against the workman and one Shri Shenmare was appointed as the Inquiry Officer and as Shri Shenmare was transferred, Shri P.G. Bedarkar was appointed as the Inquiry Officer and the workman was intimated about the dates of enquiry and in spite of giving reasonable opportunities to contest the departmental enquiry, the workman did not attend the enquiry, so the enquiry was held ex-parte against him on 13-8-1993 and after completion of the enquiry, the Inquiry Officer submitted his report holding the workman guilty of the charges and the copy of the enquiry report was sent to the workman asking him to submit his explanation, but the workman did not respond and considering the seriousness of the misconduct committed by the workman and his past records, the services of the workman were terminated and the departmental enquiry was fair and proper and the punishment of termination of the service was also justified and legal. In consideration to the proved misconduct and the petitioner is not entitled for any relief, as her deceased husband was not a workman at the time of death.

4. As the termination of the service of late Pramod Devtale, the deceased husband of the petitioner is one of the points of consideration as per the schedule and as such termination was done after holding a departmental enquiry, the validity of the departmental enquiry was taken for consideration as a preliminary issue and as per order

dt. 25-5-2007, the departmental enquiry was held to be legal, proper and in accordance with the principle of natural justice.

So, the remaining points for consideration are as to whether the punishment imposed against late Pramod Devtale is justified and whether the petitioner is entitled for compassionate appointment, due to the death of her husband.

It is necessary to mention here that in the statement of claim, no where it has been mentioned by the petitioner that the punishment imposed against her deceased husband is disproportionate. The petitioner did not plead the true facts regarding submission of charge sheet against her husband, holding of the departmental enquiry and the findings of the Inquiry Officer etc. Only after filing of the WS, the petitioner raised the objection that the punishment is disproportionate. However, after going through the evidence on record, it is found that late Pramod Devtale was found guilty by the authority in an enquiry which was fair and proper and in accordance with the principles of natural justice. It is also found from the record that the deceased workman was guilty of absenteeism and there were also earlier instances of remaining absent by the said workman without any justifiable reason. The punishment imposed against the deceased workman, Pramod Devtale is not shockingly disproportionate to the nature of the charge found proved. Hence, there is no scope to interfere with the punishment imposed against the deceased workman.

As the husband of the petitioner was not a workman at the time of his death, the petitioner cannot be given compassionate appointment as per the provisions of NCWA. Hence, it is ordered:

ORDER

The action of the management of Ukni Open Cast Project of Western Coalfields Ltd. in terminating the services of Sh. Pramod Devtale, vide order No. WCL/WNA/SAM/Ukni/PER/99/893 dated 9/10-7-1999 is legal and justified. The demand of the Petitioner, Smt. Sunita to grant employment to her is not just and fair and she is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 10/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-22012/123/2003-आईआर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.10/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Orient Area, Mahanadi Coalfields Ltd. and their workmen, received by the Central Government on 4-7-2011.

[No. L-22012/123/2003-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present :

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 10/2004

Date of Passing Award - 15th June, 2011

Between :

The management of the General Manager,
Orient Area, Mahanadi Coalfields Limited,
At./PO. Brajrajnagar, Dist. Jharsuguda, (Orissa),
Jharsuguda - 768216.

.... 1st Party-Management

And

Their workman represented through the
General Secretary, Brajrajnagar Coal Mines
Workers Union, Po. Orient Area, Via.
Brajrajnagar, Dist. Jharsuguda.

....2nd Party-Union

APPEARANCES:

Shri J.K. Mishra, For the 1st Party-
Authorized Representative Management.

Shri D. Mahanta, For the 2nd Party-
Vice- President Union.

AWARD

The Government of India in the Ministry of Labour has referred the present dispute existing between the employers in relation to the management of Orient Area, Mahanadi Coalfields Limited and their workman in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, vide their letter No. L-22012/123/2003-IR(CM-II), dated 23-2-2004.

2. The dispute referred is mentioned as below :—

“Whether the action of the management of Orient Area, Mahanadi Coalfields Ltd., Po. Brajrajnagar, Dist.

Jharsuguda in dismissing Shri Deo Kumar Singh, SDL Helper from services w.e.f. 28-12-2001 is legal and justified? If not, to what relief he is entitled to ?”

3. The 2nd Party-Union espousing the cause of the disputant workman has filed its statement of claim stating that the disputant workman was working as a SDL Helper in Mine No. 3, Mahanadi Coalfields Limited, Orient Area at Brajrajnagar, Dist. Jharsuguda. He was served with a charge-sheet along with suspension letter on 14-8-2000 on the allegation that he had obstructed Shri Ratnakar Behera, Jr. Mining Engineer/Shift In-charge while he was driving his scooter and held his shirt collar, abused in filthy languages, threatened to dire consequences and repeatedly charged with a lathi resulting in serious injury to Shri Ratnakar Behera. The disputant workman submitted his reply on 24-8-2000 refuting the charges as false, fabricated and baseless with malafide intention to harass him. He also stated therein that Shri Ratnakar Behera, Junior Engineer/Shift In-Charge was marking him absent several times and the disputant-workman objected against this on many occasions. Although the entire allegations were duly clarified and replied properly, yet the Management with preoccupied mind to harass the workman ordered for initiation of disciplinary proceedings and appointed the Superintendent of Mines/Manager, OC-1 & 2 Mines, M. C. L. Orient Area as Enquiry Officer to enquire into the charges. The disciplinary proceedings were conducted in most cavalier manner without following the procedure of law and giving adequate opportunity to the delinquent employee. The conduct and manner of the enquiry and pervers appreciation of evidence clearly shows the arbitrariness, partiality, interestedness of the Enquiry Officer. The findings and the report of the enquiry shows that the Enquiry Officer had not regards to the settled principles of law and natural justice. The Enquiry Officer has not considered all the real facts properly and fairly. He ought to have appreciated the evidence of M.W.-2, M.W.-4 and D.W.-1 and should have not given much weightage to the evidence of the M.W.-1, M.W.-3 and the complainant. There is absolutely no evidence to prove the charges framed against the delinquent employee. Again the Management representative did not produce two vital witnesses which were necessary to prove the case. Therefore, the dismissal of the disputant workman from service is illegal and bad in law and he should be reinstated with retrospective effect with full back wages and other service benefits.

4. The 1st Party-Management has stated in its written statement that in order to avoid the disciplinary action and to save his service the disputant workman had fabricated a wrong story. Infact it was the workman who stopped the scooter of Shri Behera, held his shirt collar and abused him

in filthy language threatening to kill him and started assaulting him by use of wooden stick/bar. The Management after receiving the reply to the charge-sheet of the delinquent employee decided to hold an enquiry and accordingly constituted an enquiry committee appointing Superintendent of Mines/Manager, OC-1 & 2, Mahanadi Coal Field Limited, Orient Area as the Enquiry Officer. The entire enquiry proceeding was conducted in a fair and proper manner giving equal opportunity to either side to present their case by following due procedure of law and principles of natural justice. The allegations made by the delinquent employee are vague and frivolous and accordingly denied. The Enquiry Officer after evaluating the oral and documentary evidence placed before him came to a reasonable and justifiable conclusion that the delinquent employee was guilty of the charges levelled against him and accordingly considering the facts and gravity of the proved misconduct imposed the penalty of dismissal which is in conformity with the principles of law. The allegations of baseless-ness, arbitrariness, whimsical action and perversity in dismissing the workman are devoid of any merit. Therefore the claim of the disputant workman should be rejected and the reference be answered accordingly.

5. On the pleadings of the parties following issues were framed.

ISSUES

1. Whether the domestic enquiry held against the workman was fairly conducted and if so whether the punishment of dismissing the workman from service was just, proper and proportionate to the charges?
2. If not to what relief the workman is entitled to?

6. The 2nd Party-Union and the disputant workman remained absent on most of the dates fixed for evidence. Therefore the case was set *ex parte* against the 2nd Party-Union/workman vide order dated 11-9-2008. Later the 2nd Party-Union moved a petition to recall the *ex parte* order, but none came to press this petition on any of the several dates fixed for its hearing and ultimately the petition was dismissed on 26-5-2010. Earlier to it and even thereafter the 1st Party-Management was given several opportunities to produce its *ex parte* evidence either by examining its witnesses or filing affidavit evidence, but no such evidence was produced. Hence its evidence was closed and the case was fixed for argument. But none of the parties even came to submit arguments. Hence the case is being decided without any evidence of the parties. However both the parties along with statement of claim and written statement had filed xerox copies of certain documents, but they have not proved and exhibited their respective documents.

FINDINGS**ISSUE NO. 1**

7. The 2nd Party-Union has alleged that the departmental enquiry was not conducted fairly and properly. The rules of procedure and natural justice were violated and no adequate opportunity was given to the delinquent employee to prove his case. The allegations of partiality, arbitrariness and interestedness of the enquiry officer have also been made and it has been further alleged that the enquiry officer has given under weightage to the evidence of some witnesses and not properly appreciated the evidence of other witnesses. But to prove these allegations against the enquiry officer no evidence has been led by the 2nd Party-Union or the disputant-workman. The charges levelled against the delinquent workman are of very serious nature proving grave misconduct as defined under the Certified Standing Order. There is no iota of evidence on record to show or even suggest that the enquiry was not conducted fairly and properly with due regard to the principles of natural justice and rules of procedure or any partiality, arbitrariness and interestedness was meted out to anyone by the enquiry officer. As such it cannot be held that the domestic enquiry against the disputant-workman was not conducted fairly and the punishment of dismissal after finding him guilty of grave misconduct is not just and proper and proportionate to the charges. Thus this issue is decided against the 2nd Party-Union and in favour of the 1st Party-Management.

ISSUE NO. 2

8. Since the disputant workman was found guilty of gross misconduct in the departmental enquiry conducted fairly and properly by an impartial enquiry officer and awarded him appropriate and just punishment proportionate to the charges levelled against him, the disputant workman cannot be held entitled to any relief claimed.

9. The reference is answered accordingly.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.ओ. 1996.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय केमिकल फर्टिलाइजर के प्रबंधन के संबंध में नियोजकों और उनकी कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, मुंबई की पंचाट (संदर्भ संख्या 40/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-42012/5/2005-आईआर (सीएम-11)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award (Ref. No. 40/2006) of the Central Government Industrial Tribunal No.1, Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Rashtriya Chemicals Fertilizers and their workman, which was received by the Central Government on 4-7-2011.

[No. L-42012/5/2005-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI**

JUSTICE G.S. SARRAF, Presiding Officer

Reference No. CGIT- 1/40 of 2006

Parties : Employers in relation to the management of
Rashtriya Chemicals and Fertilizers Limited
AND

Their Workman

APPEARANCES:

For the Management : Mr. Alva, Adv.
For the Union : Dr. V.C. Monteiro
State : Maharashtra

Mumbai, dated the 15th day of June, 2011

AWARD

1. In exercise of powers conferred under clause (d) of sub section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act 1947 the Central Government has referred the following dispute for adjudication to this Tribunal:

- (1) Whether the contract between the contractor and Rashtriya Chemical and Fertilizers Limited, Mumbai is sham and bogus and is a camouflage to deprive the workman names are enlisted as Exhibit "A" from the benefits available to permanent workers of the Rashtriya Chemicals and Fertilizers Limited?
- (2) Whether the workman whose names are enlisted at Exhibit A should be declared as permanent workers and wages and consequential benefits to be paid to concerned workers?

2. The matter is fixed for today for filing statement of claim. Dr. V.C. Monteiro, President, Mumbai Shramik Sangh is present in the Court and he has filed an application stating therein that he does not wish to pursue the present reference.

3. It is thus clear that the Mumbai Shramik Sangh is not interested in pursuing the matter.

4. The reference, therefore, stands disposed of as not prosecuted.

5. An Award is made accordingly.

JUSTICE G.S. SARRAF, Presiding Officer

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैया बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-7-2011 को प्राप्त हुआ था।

[सं. एल-12012/5/2005-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between employers in relation to the management of Karur Vysya Bank Ltd. and their workmen, received by the Central Government on 1-7-2011.

[No. L-12012/5/2005-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT
HYDERABAD**

Present : SHRI VED PRAKASH GAUR,
Presiding Officer

Dated the 20th day of April, 2011

INDUSTRIAL DISPUTE No. 36/2005

Between:

The General Secretary,
Karur Vysya Bank Employees Union,
20, West Anjaneya Temple Street,
Bansavangudi, Bangalore-560004

...Petitioner

AND

1. The Branch Manager,
The Karur Vysya Bank Limited,
Rajahmundry Branch, Rajahmundry,
Dist. East Godavari.
2. The Chairman,
The Karur Vysya Bank Limited,
Central Office, Erode Road,
Karur-639002.

... Respondents

APPEARANCES:

For the Petitioner : M/s. G. Vidya Sagar,
K. Udaya Sri & P. Sudheer Rao,
Advocates.

For the Respondent : M/s. C. R. Sridharan,
G. Narender Reddy, S. Ramesh,
M. Srinivas Reddy &
G.V.S. Ganesh,
Advocates.

AWARD

This reference was received from Government of India, Ministry of Labour bearing No. L-12012/5/2005-IR (B-I) dated 15-2-2005 under Section 10(1)(d) of the I.D. Act, 1947 to adjudicate the dispute between Sri T.V. Siva Kumar, Ex. Clerk of Karur Vysya Bank Ltd., Rajahmundry branch and the management of Karur Vysya Bank Ltd. The term of reference is as under :

SCHEDULE

“Whether the action of the management of Karur Vysya Bank Ltd., in terminating the services of Sh. T.V. Siva Kumar, Ex-Clerk, Rajahmundry Branch by way of dismissal as punishment w.e.f. 27-4-2004 is legal and/or justified? If not, to what relief is the workman concerned entitled to?”

The reference is numbered in this Tribunal as I.D. No. 36/2005 and notices were issued to the parties calling upon them to file their statements.

2. The workman filed his claim statement through General Secretary, Karur Vysya Bank Employees Union stating therein that workman Sri T.V. Siva Kumar joined the service of Respondent bank on 24-10-1995 as clerk at Shivajipalem branch, Visakhapatnam. Subsequently he was transferred to Vizianagaram in the year 1998. After working for two years in the Vizianagaram branch, he was again transferred to Rajahmundry branch in the month of May, 2000. He was working with utmost satisfaction to his superiors. While working at Rajahmundry branch the concerned workman was issued with the charge-sheet alleged to be dated 13-8-2002 alleging therein two charges, as under :

i. That the Petitioner removed cheque bearing No.717753 of Rs. 2,37,234 purchased by the Bank from M/s. Shriram Chits Ltd., Mandapeta, the cheque was issued by M/s. Bilahari Investment Pvt. Ltd. on Indian Bank, Rajahmundry that cheque which was sent to Rajahmundry by KVB, Mandapeta on 27-11-2001 was found missing. It was also alleged that the Petitioner has made use of the missing cheque to prefer a false complaint against the manager of Rajahmundry branch.

ii. That the Petitioner has removed a SBI cheque book with ulterior motive and made use to prefer a false

complaint against the then Manager Mr. Krishnamurthy with an intention to tarnish the image of the manager. It is further alleged that on 9-2-2002 a xerox copy of the C.P. Instrument and SBI cheque book in original were sent to the Central Office under a cover of a complaint letter dt. 5-2-2002 in the name of G. Srinivasa Rao who is a fictitious customer. It was alleged that the concerned workman has engineered a false complaint with mala fide intention of bringing disrepute to Mr. R. Krishna Murthy the then manager of the Branch with an intention to wreck vengeance with him as Petitioner has inimical terms with him. The above acts would amount to gross misconduct in terms of para 5 (d) and 5 (j) of Memorandum of Settlement dt. 10-4-2002."

3. Workman was asked to give his reply. On the basis of charge-sheet the workman submitted his representation. The workman stated in his explanation to charge-sheet that he was falsely implicated since he is Executive Member of the Union and as a measure of victimization he was transferred from Vizianagaram to Rajahmundry. The charge-sheet is baseless. Not satisfied with the representation of the workman Sri Chakravarthy was nominated as Enquiry Officer. During enquiry three witnesses were examined by the management. The workman examined himself as DW1 and one Sri U. Srikanth as DW2. After conclusion of the enquiry, Enquiry Officer submitted his report dated 14-10-2003 that charges against the Petitioner were found to be proved. Petitioner filed representation against the finding of the Enquiry Officer. The Chief Manager who is Disciplinary Authority in the matter proposed to impose "punishment of dismissal" from service vide proceeding dated 3-1-2004, finally the punishment of dismissal from service was imposed on 22-4-2004.

4. It is further alleged that bank simultaneously filed an application under Sec.2(b) before Central Government Industrial Tribunal-cum-Labour Court, Chennai in a common dispute No.74/03 wherein approval was granted by the tribunal as the workman gave a letter on 8-6-2004 before the tribunal stating therein he is raising an industrial dispute through his union and Hon'ble Tribunal may dispose of the petition filed by the bank.

5. It is alleged that the workman preferred departmental appeal. The Appellate Authority approved the dismissal order by order dated 31-7-2004. Aggrieved by the final order conciliation proceeding was raised which ended in failure. Matter was reported to Government of India who has referred this dispute for adjudication to this Tribunal.

6. It has been alleged that the charges framed against the Petitioner were baseless and misconceived. The allegation of the management that Petitioner stealthily removed an instrument with an ulterior motive to prefer a false complaint against the Manager to tarnish the image

of the Branch Manager and the branch. The second allegation that the workman removed a State Bank of India cheque book on 24-1-2002 with ulterior motive to prefer false complaint against the then Branch Manager Sri R. Krishna Murthy with an intention to tarnish the image of the bank. Third charge that Petitioner workman on 9-2-2002 sent xerox copy of the cheque purchase instrument and original State Bank of India cheque book through Professional Courier to central office under the cover of a deliberate false complaint dated 5-2-2002 in the name of Sri G. Sreenivasa Rao are baseless. The charges would clearly show that there is no allegation of misconduct as enumerated in clause 5 (d), 5 (j) of Memorandum of Settlement. Thus, the entire basis of the disciplinary action is misconceived. During the course of enquiry there was no evidence of ill will or breach of relations between the manager and employee to attribute any motive. The enquiry was not conducted following the principles of natural justice and fair play and he has further criticized the evidence given by the management witnesses and has challenged the dismissal order.

7. Management has filed counter statement. It has been alleged by the management that the present reference is not valid in eye of law because the matter in dispute is not a collective industrial dispute but it was an individual dispute as such, the union has no role to play in this case. The management has further contended that the Petitioner workman was working as clerk in Rajahmundry branch of Respondent bank, it was reported that he has committed certain serious misconducts, he attempted to cause damage to the property of the Respondent bank New Delhi committed acts prejudicial to the interests of the bank. In view of the gravity of the misconduct reported against the workman the Petitioner bank issued charge-sheet dated 13-8-2002 as under:

"1. On 27-11-2001 you were attending to the works relating to BICC(Branch Inward Cheque for Collection) and our Mandapeta branch had sent a cheque bearing No.717753 for Rs. 237234 purchased by them from M/s. Sriram Chits Ltd., Mandapeta. The cheque issued by M/s. Bilahari Investment Pvt. Ltd., on Indian Bank Rajahmundry and the cheque was sent by our Mandapeta branch to our Rajahmundry branch by courier along with 2 more documents i.e., a DD advice dt.27-11-2001 and BOCC No. 875 for Rs. 106387. The said DD advice and the BOCC instrument were available and the above mentioned CP instrument was found missing. As the said CP instrument was for high value, our Mandapeta Branch advised the party to obtain a fresh cheque in lieu of the lost instrument after issuing stop payment instructions. The missing of the CP instrument came to light only when Mandapeta branch made enquiries with Rajahmundry branch as to the fate of this instrument. You have stealthily removed this instrument with some ulterior motive and made use of the same to prefer a false complaint against the Manager to

tarnish the image of the Branch Manager and the Branch.

II. On 24-1-2002 Rajahmundry branch had received a TT for Rs. 2.00 Crores from Chennai Main to the credit of their State Bank of India account. Since they (Chennai Main Branch) had surplus funds, the branch was disbursing the funds to other banks. Mr. Y. S. Prakasa Rao (3095), Clerk was engaged in issuing these cheques and after issuing 7 cheques he went for lunch. Before going for lunch he had requested Smt. N. V. J. Lathadevi (3054), Clerk to issue the remaining 2 cheques if those Bankers (Lakshmi Vilas Bank Ltd., and Punjab National Bank) approach. The representatives of those banks approached and when Smt. N. V. J. Lathadevi searched for the cheque book, the same was found missing. Entire branch staff searched but in vain. At this juncture, the branch approached SBI and obtained another cheque book requesting SBI to note the stop payment instructions in respect of the unused cheque leaves and managed to issue cheques in favour of Lakshmi Vilas Bank Ltd., and Punjab National Bank. You have also stealthily removed the SBI cheque book with some ulterior motive and made use of the same to prefer a false complaint against the then Manager of the Branch Mr. R. Krishna Murthy with an intention to tarnish his image and the branch. On 9-2-2002 you had sent a Xerox copy of the above referred CP instrument and the SBI cheque book in original through Professional Courier to the Central Office, under the cover of a deliberate false complaint letter dt. 5-2-2002 fictitiously in the name of Sri G. Sreenivasa Rao alleged to be a customer. The gist of the said complaint is stated here below :

It was alleged in the complaint that the complainant was spending Rs. 1000 or Rs. 5000 to attend to the needs of Sri R. Krishnamurthy, the then Manager of the Branch (presently at Karur Central Branch). Further, Sri R. Krishnamurthy was in the habit of demanding valuable gifts. On 26-11-2001, Sri Krishnamurthy is alleged to have approached the said Sri Sreenivasa Rao with a request for hand loan of Rs. 50000. It was stated that this amount was paid by the complainant keeping the above referred CP instrument for Rs. 237234 reported to have been lost by the branch. It was further reported in the said letter that when the amount was demanded back, Sri Krishnamurthy called on the office of Sri Sreenivasa Rao on 24-1-2002 afternoon and offered to substitute the above referred CP instrument by another SBI cheque. When Sri Sreenivasa Rao refused to accept the same, Sri Krishnamurthy is reported to have shouted at him and he had to be physically sent out. In that stampede the SBI cheque is reported to have fallen in their office. Further, it is stated in the letter that the said Sri Sreenivasa Rao is holding the original of the said CP instrument and a copy is sent to the Central Office for reference

The above deliberate and false complaint has been engineered by you with the mala fide intention of bringing disrepute to Mr. R. Krishnamurthy the then Manager of the branch with an intention to wreck vengeance on him as you were in inimical terms with him.

You have deliberately and with some ulterior motive, stealthily removed the aforesaid records of the bank. However, you made use of the same to prefer a false complaint as above in the name of Sri S. Sreenivasa Rao so as to conceal your misdeeds and to wreck vengeance on the Manager. Your aforesaid acts are offences involving Moral Turpitude.

Your act of stealthily removing the bank records with some ulterior motive and causing inconvenience in the functioning of the branch amounts to following act of gross misconduct in terms of paragraph 5(d) of the Memorandum of Settlement dt. 10-4-2002 on disciplinary action.

"ATTEMPT TO CAUSE DAMAGE TO THE PROPERTY OF THE BANK"

Your act of making a false complaint in a fictitious name against the Manager of the Bank so as to tarnish the image of the Manager and the Bank amounts to the following act of gross misconduct in terms of paragraph 5(j) of the Memorandum of Settlement dt. 10-4-2002 on disciplinary action.

"DOING ACTS PREJUDICIAL TO THE INTERESTS OF THE BANK"

You are advised to submit your reply in writing within 7 days on receipt of this charge sheet. If you fail to do so, I shall proceed further in the matter on the basis that you have no explanation to offer.

8. The Petitioner was advised to submit his explanation. The said charge sheet was duly received and acknowledged by the Petitioner who submitted his explanation on 6-9-2002, which was not found to be satisfactory and the gravity of the misconduct was very serious as such, enquiry was ordered to be held. Notice was issued to the Petitioner regarding appointment of Mr. Ch. A. N. Chakravarthy, Manager Vijayawada Governorpet branch as Enquiry Officer to conduct enquiry after sending intimation to the Petitioner workman who participated in the enquiry. The bank examined three witnesses S/Sri P. Vijaya Sankar, V. Subramanyam and R. Krishna Murthy and marked 10 documents Ex. M1 to M10. The Petitioner was given opportunity to cross examine the witnesses which he availed. The Petitioner was also afforded opportunity to produce defence witnesses. He appeared as defence witness and marked DEX.1. He produced two witnesses. The evidence of defence witnesses was also recorded by Enquiry Officer and after closure of the evidence, Enquiry Officer has prepared his report on the

basis of the evidence and found that the charges levelled against the Petitioner were found to be proved. On the basis of the report submitted by the Enquiry Officer the Disciplinary Authority heard Petitioner workman in person and the punishment of dismissal from the service which was upheld by the Appellate Authority, there is no merit in the claim statement and also reference made by the Central Government. Claim statement is devoid of any merit and deserves to be dismissed.

9. Both the parties were given opportunity to produce evidence by this Tribunal. Petitioner workman filed Xerox copies of documents viz., charge sheet, written submission made before the Enquiry Officer, written submission made before the Disciplinary Authority, extract from the book of Indian Evidence Act from S.44 of the said Act regarding admissibility of the evidence of expert opinion, final order dated 13-8-2002 and his representation dated 17-5-2004 and result of the appeal informing the Petitioner that his appeal has been rejected and order of the Appellate Authority.

10. Management has filed original disciplinary proceeding book containing 175 pages in from of 39 documents which consists of Ex.M 1 to M 10, which was marked before the Enquiry Officer. The evidence recorded before the Enquiry Officer, the finding of the Enquiry Officer and other material placed before the Enquiry Officer by the management.

11. The matter was posted for hearing on the validity of domestic enquiry on 18-2-2009. The Petitioner workman moved memo conceding legality and validity of the domestic enquiry stating therein that 'Petitioner is not disputing the procedural aspect of the domestic enquiry, he is dispensing with the finding of the Enquiry Officer. Hence, the matter be posted for final arguments.' On the basis of this memo the domestic enquiry was held to be legal and valid and the matter was posted for arguments under Sec. 11A of the Industrial Disputes Act, 1947.

12. The matter was posted for argument on several dates, but neither the Petitioner workman nor his counsel made oral or written submissions. They sought several adjournments and remained absent on final date of hearing i.e. on 11-3-2011, as such, the argument was closed and the matter has been reserved for final award.

13. I have gone through the claim statement, counter statement, evidence of the parties during enquiry proceeding and reference made by the Government of India. On the basis of the reference and pleadings of the parties this Tribunal has to consider:

(I) Whether the action of the management of Karur Vysya Bank Ltd., in terminating the services of Sri T. V. Siva Kumar, Ex. Clerk, Rajahmundry branch by way of dismissal as punishment w.e.f. 27-4-2004 is legal and justified?

(II) To what relief if any the workman concerned is entitled?

14. Point No. (I): It is undisputed fact that Petitioner workman was working as clerk in the Karur Vysya Bank Ltd., Rajahmundry branch during the alleged period of misconduct. It is further admitted that charge sheet was issued to the Petitioner as cited in para 7 supra. It is also undisputed fact that the domestic enquiry was held wherein management has examined three witnesses and they have marked Ex. M1 to M10. The Petitioner workman has participated in the enquiry. He marked DEx.1 and examined his witness Mr. U. Srikanth, who stated that he was not the person who has written the address on the envelope of the complaint. He was examined to confirm that Sri T.V. Siva Kumar had no fault, he was not indulged in making any complaint. The Enquiry Officer came to the conclusion after completion of evidence on the charges levelled against the Petitioner were proved. It is also admitted fact that Petitioner workman through his application or memo dated 18-2-2009 has not disputed the conduct of the enquiry but he has challenged the finding of the Enquiry Officer.

15. Petitioner workman had to point out before this Tribunal the perversity alleged to have been committed by the Enquiry Officer in his enquiry report. I have gone through the enquiry report. I am of the view that the report of the Enquiry Officer is based on evidence produced before him. The Enquiry Officer has considered each and every document and material placed before him. He has discussed each and every evidence produced by the management in the form of MW1 to MW 3. MW1 is the Handwriting expert to whom the alleged complaint said to have been made by G. Srinivasa Rao was examined by him. Through the admitted handwriting of Petitioner workman Sri T. V. Siva Kumar he came to the conclusion that the handwriting of the complaint tally with the handwriting of the Petitioner workman. Though the Petitioner workman has challenged the veracity of the handwriting expert's opinion however, he has not been able to point out any mistake or contradiction in the statement of the handwriting examiner. The second witness Sri V. Subramanyam, Chief Manager, IARD, Central Office, Karur who has investigated the complaint alleged to have been made by G. Srinivasa Rao the customer of the bank and who has stated that the content of the alleged complaint against the then Manager Sri R. Krishna Murthy, Manager of the Rajahmundry branch. He further marked Ex. M1 to M10 which he has collected during his investigation and he came to the conclusion that the complaint was written by the Petitioner workman and he was the person who sent the original cheque book which is said to be missing or stolen from the Karur Vysya Bank Ltd., Rajahmundry branch. The Manager of the bank was also examined. He told that it was the Petitioner who has stealthily taken away the cheque book and the valuable security of the bank chest

to damage the image of the branch in the eye of customers. Thereby he has committed act prejudicial to the interest of the bank. The Petitioner has examined himself, he has stated that he has not committed any mistake.

16. He produced one Mr. U. Srikanth, Onion businessman who has stated that he has onion business and one Mr. Kishore an employee of the Karur Vysya Bank Ltd., Rajahmundry used to purchase onions from his shop and he know Mr. Kishore to be a purchaser from his shop. On the date of Ugadi he accidentally met Sri T. V. Siva Kumar at Syamalamba Temple and during conversation he understood that the envelopes wherein "from address" was written by him were misused and Sri T.V. Siva Kumar was in trouble and facing some enquiry. He further added that Mr. Kishore came with some Xerox copy material and requested him to write from address on nearly four plain covers stating that he has to send some greetings in those covers. This witness appears to be a doctored witness because if Mr. Kishore was an employee of the bank he must be a literate person, then why a literate person will get address of the sender written by some other person is a matter of suspicion. The witness Mr. U. Srikanth has not told why he did not ask his intimate man Mr. Kishore as to why he is getting sender's address written by him and how he met Sri T.V. Siva Kumar, while conversation regarding writing of senders was took place between Mr. T. V. Siva Kumar and Mr. U. Srikanth is also very peculiar and suspicious. This give rise to only one conclusion that the defence witness Mr. U. Srikanth was brought up, he was procured by Mr. T.V. Siva Kumar to state before the Enquiry Officer that he has written the address of the sender of the complaint on the envelopes. When Presenting Officer asked the witness to write down certain words he has dictated before the Enquiry Officer on a paper the witness Mr. U. Srikanth has refused to write down on the paper before the Enquiry Officer and thereby his cross-examination was closed. This prove that the witness has not written any sender's address on the envelopes, if he has written the sender's address on the envelope he would not have denied writing address on another paper given to him by the Presenting Officer. It proves that this witness was an unreliable witness and Enquiry Officer has not committed any mistake or any perversity in holding this witness to be untrustworthy. The production of Mr. U. Srikanth by the delinquent employee before the Enquiry Officer also prove that the delinquent employee wanted to mislead the Enquiry Officer deliberately by producing Mr. U. Srikanth before Enquiry Officer. Thus, the conclusion arrived at by the Enquiry Officer that the charges of stealthily removing the cheques and cheque books by the Petitioner for damaging the reputation of the branch and the then Branch Manager was proved from circumstances and evidence available was correct and this Tribunal is also of the opinion that the charges levelled against the

Petitioner are proved. Petitioner or his counsel are not able to prove any perversity either in the finding of the Enquiry Officer or the management witnesses as such, this Tribunal is of the opinion the management has proved the charges levelled against the Petitioner during course of enquiry and on the basis of the proved charges and proved misconduct of such a very serious nature which damages the very reputation of the branch, the management has not committed any illegality or unjustifiability in dismissing the services of the Petitioner or passing dismissal order against the Petitioner. The order of dismissal is proportionate to the misconduct committed by the workman and the punishment of dismissal is the only punishment in the present matter and serious misconduct committed by the Petitioner workman while working as a clerk at Karur Vysya Bank Ltd., Rajahmundry Branch. Point No.(I) is decided accordingly.

17. Point No. (II): The action of the management is legal and justified. Petitioner has committed serious misconduct as such, the punishment of dismissal from service is neither disproportionate nor excessive. It is the only proper punishment and Petitioner is not entitled for any relief. Point No.(II) is decided, accordingly.

18. From the above discussion, the reference is decided as such and the action of the management of Karor Vysya Bank Ltd., is held to be legal and justified and workman is not entitled for any relief, hence, this award.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 20th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या 37/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-7-2011 को प्राप्त हुआ था।

[सं. एल-12012/218/2005-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 1-7-2011.

[No. L-12012/218/2005-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 19th day of April, 2011

INDUSTRIAL DISPUTE No. 37/2006

Between :

Sri C. Suryanarayana,
House of Mallikharjuna,
Near Fire Station,
Naryanpet-509210
Mahaboob Nagar District

...Petitioner

AND

The Chief General Manager(PER & HRD),
State Bank of India, Local Head Office,
Hyderabad

... Respondent

Appearances :

For the Petitioner : Party in person

For the Respondent : M/s. B.G. Ravindra Reddy &
B.V. Chandra Sekhar,
Advocates

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/218/2005-IR(B-I) dated 26-6-2006 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication by this Tribunal between

the management of State Bank of India and their workman.
The term of reference is as under :

SCHEDULE

"Whether the action of the management of State Bank of India, imposing the punishment of Discharge from Service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing and without disqualification from future employment on Shri C. Suryanarayana is justified? If not, to what relief he is entitled?"

The reference is numbered in this Tribunal as I.D. No.37/2006 and notices were issued to the parties.

2. Petitioner Sri C. Suryanarayana an Ex. senior Assistant of State Bank of India, Narayanpet Branch has filed his claim statement stating therein that he was appointed in the Respondent bank as clerk-cum- cashier on 14-7-1978 and was confirmed on 14-1-1979. He was transferred to Narayanpet branch of the State Bank of India in the year 1990 where he was instructed to officiate as Cash Officer from 20-10-2001. He has further alleged that an amount of Rs.10,200 cash shortage was noticed on 23-4-2002 in the sections prepared by the Petitioner. The Branch Manager, Narayanpet branch allowed the Petitioner to make good the amount of shortage. The Branch Manager himself re-arranged the note packets on the same day and the matter was closed after obtaining letter from the Petitioner.

3. Further the Petitioner was issued with memo No.DPS/ZO/Hyderabad/47 dated 22-4-2002 alleging that the Petitioner's act of preparing note packets with shortage and confirming that they contain 100 pieces by way of signing on the same as the re-counter in order 'to gain pecuniary advantage is highly prejudicial to the interest of the bank besides being an act of betrayal of the trust reposed in Petitioner by the bank. He further alleged that an enquiry was ordered, Enquiry Officer was appointed and enquiry was held. The Enquiry Officer found that charges against the Petitioner are proved. He submitted his report dated 5-1-2004 to Disciplinary Authority. The Disciplinary Authority thoroughly examined the Enquiry Officer's findings and relevant case records produced in the enquiry and inflicted punishment of discharge from service with superannuation benefits without disqualification from future employment vide order dated 9-2-2004. Petitioner made submission for personal hearing. He was heard on 12-6-2004 but his appeal was dismissed on 21-8-2004. The Petitioner was paid Provident Fund and Gratuity but was denied pension. Industrial dispute was raised before ALC(C) who initiated conciliation proceedings but nothing was done in the matter. The Enquiry Officer's finding is based on preponderance of probability and not on the basis of evidence. The charges

levelled on Petitioner is that preparing note packets with shortage and confirming that they contain 100 pieces by way of signing on the same as recounted in order to gain pecuniary advantage, but, who made PEx 1 is silent and who made cash sections is also silent. It was not mentioned in the PEx2 that Petitioner recounted the note packets. In PEx 3 also it is not mentioned that Petitioner has recounted the sections. There is no evidence or record to prove the misconduct of the Petitioner. PW3 who deposed before the Enquiry Officer was aware that as joint custodian he could not have allowed the note packets without full signatures to be deposited in the chest of the bank notwithstanding that one person performed counting and recounting duties. The finding is based on preponderance and not based on evidence. The finding of Enquiry Officer is outside the purview of the charge sheet. The allegation that credit of Rs.3,000 in sundry deposit account relating to excess cash found on 16-3-2002 was not recorded by charge sheeted employee either in cash balance register or in the receipt scroll. This transaction was actually recorded as last entry in the cash receipt scroll dated 18-3-2002. Thus, the claim that PW3 brought to the notice of the Manager regarding excess cash is not supported by any evidence. The document marked during course of the enquiry suffered from reliability and they could not be made the basis of opinion of the Enquiry Officer, as such, the order of termination imposed on Petitioner is excessive and disproportionate and it is fit to be quashed. The Petitioner has cited 31 documents in this claim statement.

4. Counter statement was filed by Respondent bank accepting therein that the Petitioner was appointed as clerk and he worked as cash officer on the relevant date of misconduct. The management has stated that on 22-4-2002, Damarigadda branch of the Respondent bank reported over telephone to the Narayanpet branch that there was cash shortage of 16 pieces in Rs.50 denomination note packets and cash shortage of 5 pieces in a Rs. 100 denomination notes packet which were prepared and recounted by the Petitioner. A similar instance of cash shortage was reported by Maddur branch over telephone to Narayanpet branch on the same day i.e., 22-4-2002, that there was 5 pieces shortage in Rs. 100 note section prepared and recounted by Petitioner. When the above message was received, Narayanpet branch initiated recounting on entire cash balance on 23-4-2002 which revealed a total cash shortage of Rs.10,200 in 31 sections of Rs.100 and Rs.50 denomination note packets prepared on 8 different dates during the period 20-2-2002 to 20-3-2002 by workman. The shortages ranged from 1 to 6 pieces in each packet and all these packets were prepared by the Petitioner workman.

5. A charge sheet was issued to the Petitioner on 22-4-2003 on the allegation that he prepared 31 note packets of high denomination notes with shortage while working as senior assistant at Narayanpet branch of State

Bank of India and that confirmation that they contain 100 pieces by way of signing both as maker and recounter during the period 20-2-2002 to 20-3-2002 resulting in shortage of Rs.10,200. It was further alleged in the charge sheet that the Petitioner has deliberately prepared the note packets with shortage to get pecuniary advantage.

6. The Petitioner acknowledged receipt of the charge sheet on 6-5-2003. The charge sheet was issued to the Petitioner after Petitioner confirmed on 23-4-2002 that there was shortage of Rs.10,200 in the sections of notes prepared in recounted packets. It has been alleged that in a banking industry dealing with public money an employee has to exhibit utmost integrity whereas the act of Petitioner constituted gross misconduct in terms of para (5) of Memorandum of Settlement on Disciplinary Action Procedure for Workmen dated 10-4-2002. The Petitioner was placed under suspension pending enquiry. The charge sheet was issued calling for the explanation of the Petitioner and subsequently a full fledged enquiry was held. The Petitioner participated in the enquiry and he was defended by a defence representative. The enquiry was conducted in full fair manner affording proper opportunity to the Petitioner to defend himself.

7. Both the parties lead their evidence on the basis of the evidence produced before the Enquiry Officer. Enquiry Officer submitted his finding holding that the charges against the Petitioner were proved. On the basis of the Enquiry Officer's finding Petitioner was personally heard and after hearing the Petitioner the punishment of discharge from service with superannuation benefits was imposed on Petitioner vide order dated 17-3-2004. The Petitioner filed appeal which was heard by the Appellate Authority and the same was dismissed.

8. Petitioner was found guilty of preparing short amount in section of notes certifying that they contain 100 notes whereas notes were short in number. Thereby Petitioner committed serious misconduct and he was imposed with punishment of removal from the service with superannuation benefits which is not disproportionate punishment. Petition has got no merit and deserves to be dismissed.

9. In this case the Petitioner has disputed the legality and validity of the domestic enquiry as such, that question was decided first and this tribunal by its order dated 29-1-2010 has opined that the domestic enquiry conducted in the case is legal and valid and the matter was posted for hearing under Sec.11A of the Industrial Disputes Act, 1947.

10. I have heard Learned Counsel for both the parties. Both of them has filed their written submissions. I have gone through the written submissions presented by Learned Counsels for parties and I have also gone through the pleadings of the parties and evidence available on the record. It has been submitted by Learned Counsel for the

Petitioner workman that the Petitioner has not recounted the sections of the notes though he prepared those sections made his initial. Not only that he had made good the short amount and he confirmed the shortage through his statement PEx.7 but the Petitioner neither admitted that he counted and prepared the sections deliberately or with a view to gain pecuniary advantage. Not only that it is admitted case of the parties that Petitioner workman has made good the loss or shortage found in some sections of the notes but there was no evidence or allegation of pecuniary gain or advantage to Petitioner or pecuniary loss to the bank intentionally caused by the Petitioner to defraud the bank as such, the very material question as to whether the shortage was the result of pecuniary gain or advantage to the Petitioner or intentional loss to the bank was crux of the charge which was not proved by the management during course of the enquiry.

11. He has further submitted in his written argument that the main complainant was not examined in this case i.e. the Branch Manager of Damarigadda Branch and Maddur Branch Manager were not examined on whose instance the shortage of notes were detected in the sections prepared by the Petitioner and thus, the Petitioner's case was prejudiced and he was put to irreparable loss by non-production of these two material witnesses.

12. He has further argued that it is admitted case of the Petitioner that he has admitted in his letter dated 23-4-2002 that there was shortage of Rs.10,200 in different sections prepared by him but that admission of the Petitioner itself does not constitute the proved case of the management. It was the duty of the management to prove that the shortage was an intentional work of the Petitioner. This material fact has not been proved by the management. He has further argued that the working of the bank starts at 10.30 AM, it is impossible to receive any call on the same day at 10 AM and 10.30 AM whereas the remittance has to be sent after withdrawing money at 10.30 AM and it has to be carried for 8 KM long distance to Damaragadda branch and 23 KM long distance to Maddur branch thus, the story of getting information from these two branches on 11.30 AM is concocted and fabricated story and no reliance can be placed on such a fabricated story prepared by Branch Manager of Narayanapet branch. He has further argued that the Petitioner has made good the amount found short in the sections prepared by him as such, the punishment of dismissal from service is a disproportionate punishment. He has further argued that joint re-counting and verification was the duty of joint custodians of the bank whereas in the present case the Petitioner has initialled the sections of the notes prepared by him and there is no other signature of the joint re-counting of the sections, as such, the Petitioner alone is not responsible for the shortage of the notes in the sections but Branch Manager is also equally responsible for the same. This fact has been admitted by RW3 and thus, the punishment imposed

on Petitioner is excessive and should be quashed and some lenient punishment could have been imposed on the Petitioner.

13. Against the above argument of the Petitioner the Respondent bank has also filed written submissions wherein they have also reiterated the same argument as they have stated that on 22-4-2002 Damarigadda branch of State Bank of India reported over telephone that there is shortage of 10 pieces of Rs.50 denomination notes and a cash shortage of 5 pieces of Rs.100 denomination notes which has been prepared by Petitioner. A similar shortage was reported by Maddur branch of the bank on the telephone. On the basis of this information, the entire cash at Narayanapet branch was recounted on 22-4-2002 and 23-4-2002 in the presence of the Petitioner which revealed a total cash shortage of Rs.10,200 in 31 sections of Rs.100 and Rs. 50 denomination notes prepared on 8 different dates between 20-2-2002 and 20-3-2002 ranged from one to six pieces in each packet. The shortage was determined in the presence of the Petitioner who admitted the shortage by giving in writing his statement on 23-4-2002 which is PEx.7 and it was accepted during enquiry proceeding. The shortage of the notes was proved by way of statement of the PW1, PW2 and PW3 who deposed before the Enquiry Officer. They were cross examined by the Petitioner workman through his defence representative but nothing could come out of their statement that the shortage was not done by the Petitioner. No doubt no direct evidence could have been given on the question of intentions of the Petitioner but Petitioner has made shortage in 31 sections of the notes on 8 different dates, the logical conclusion is that the Petitioner has gained for himself by counting short notes in the sections prepared by him and Enquiry Officer was well within his jurisdiction to come to the conclusion that Petitioner workman has prepared the sections of notes with a shortage of Rs.10,200 with intention to gain pecuniary advantage for himself and for loss to the customers or the bank. On this question the Petitioner has not been able to get any adverse reply from the management witnesses who were present and they are cross-examined by the Petitioner. There is no dispute that PEx.2 and PEx.3 were prepared in the presence of the Petitioner and PEx.7 own admission of the Petitioner which itself prove that the Petitioner has prepared 31 sections of notes of Rs.100 and Rs.50 denomination with short amount.

14. Thus, the charges against the Petitioner were proved since, Petitioner committed pecuniary loss to the bank with intention to gain for himself. Though he has made good the loss committed by him by depositing money in the bank account that will not absolve the Petitioner from the misconduct already committed by him but, by depositing the amount in the bank, the Petitioner has admitted the misconduct committed by him and there was no need to produce any further evidence with regard

to the shortage of the notes section prepared by the Petitioner if the joint re-counting was not done, the Petitioner was duty bound to make complaint to higher ups that bank note sections are being deposited in the bank's chest under his single signature. But the Petitioner has not taken any precaution to get re-counting by joint custodian as such, by not re-counting the section of notes by a joint custodian also not absolve the Petitioner from his responsibility of not preparing or putting proper number of notes in a section prepared by him though he has signed on the slip of the notes that the section contained 100 pieces and he has initialed on that. Petitioner has verified that the section is containing 100 pieces of notes whereas they were short by some notes. This action of the Petitioner coupled with the evidence of the management witnesses and documents produced by the management prove that the Petitioner was guilty of pecuniary loss to bank and advantage for himself and thereby the misconduct was proved. It has been submitted that management has not committed any mistake in discharging the Petitioner from service with superannuation benefits.

15. I have considered the above argument. In the light of the argument this Tribunal has to adjudicate,

- (I) Whether the action of the management in discharging the Petitioner from service with superannuation benefits is legal and justified?
- (II) To what relief if any the Petitioner is entitled?

16. Point No.(I & II): In this claim petition it is admitted case of the parties that at the relevant date and time the Petitioner was cash officer at Narayappet branch of State Bank of India. He was performing the duty of preparing sections of notes and depositing the same in the cash chest of the bank. It is also not disputed that in 31 sections of the Rs.50 and Rs.100 denomination section shortage of notes was found and it is further undisputed fact that shortage came to light or knowledge of the bank on the basis of the information given by the Branch Manager of Damarigadda and Maddur on 22-4-2002. On the basis of the information on 22-4-2002 and on 23-4-2002 the entire cash at Narayanpet branch was recounted and shortage of Rs.10200 was found in 31 sections of notes prepared by Petitioner workman this material fact was admitted by the Petitioner by his admission given in writing on 23-4-2002 through P Ex. 7. It is further admitted case that Petitioner deposited the entire amount of Rs.10200 in the bank. Charge sheet was issued to the Petitioner. His reply was received but not satisfied with the reply enquiry was ordered and held. Management examined three witnesses from his side and has marked 8 documents on the basis of which Enquiry Officer has given finding that the charges of intentional shortage of notes in 31 sections of Rs.50 and Rs.100 denominations prepared by the Petitioner were proved against him. This act of the

Petitioner was intentional with a view to gain pecuniary advantages.

17. The management witnesses were examined at length during course of enquiry. I have gone through the enquiry proceeding papers. The enquiry proceeding has already been held to be legal and valid which cannot be reappreciated at this stage. It has already been held by this tribunal that the enquiry was held in a legal and valid manner. The Enquiry Officer's finding is based on evidence, it does not suffer from any perversity as such, at this stage the evidence can not be re-appreciated by this tribunal and on the basis of material produced before the Enquiry Officer which is available before this tribunal and the admission made by the Petitioner through his written statement dated 23-4-2002 and deposit made by the Petitioner in the bank, this tribunal is of the opinion that the Petitioner has committed financial irregularities and loss to bank by way of misappropriation which is a serious misconduct of an employee of the banking institution from whom high standard of integrity is required. The Petitioner has not been able to prove that he was maintaining higher standard of integrity. He prepared the sections, has verified that each section contain 100 notes whereas notes were found short in number. The Petitioner has not alleged that somebody else has handled notes or somebody else has taken the notes from the sections though prepared by him as such, the resultant conclusion is that the Petitioner being the person incharge of preparing the section of notes to less number of notes in 31 sections of Rs. 50 and Rs. 100 denominations and thereby he caused loss to bank by way of misappropriating the amount in the sections prepared by him and this conduct of the Petitioner is serious misconduct and the punishment of discharge from the service imposed by the management on the Petitioner is not disproportionate to the misconduct committed by the Petitioner. The punishment is in proportion to the misconduct committed by the Petitioner. There is no illegality or unjustifiability in the punishment imposed by the management by way of discharge of the Petitioner from the service with superannuation benefits. Point Nos. (I & II) are answered accordingly.

18. From the above discussion, this tribunal is of the definite opinion that Petition deserves to be dismissed, hence, it is dismissed. Reference is ordered accordingly.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 19th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for
the Petitioner

Witnesses examined for
the Respondent

WW1 : Sri C. Suryanarayana NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 जुलाई, 2011

का.आ. 1999.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सोलापुर के पंचाट (संदर्भ संख्या 22/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2011 को प्राप्त हुआ था।

[सं. एल-12012/243/97-आई. आर. (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 1999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between employers in relation to the management of Vysa Bank Ltd. and their workman, received by the Central Government on 30-6-2011.

No.L-12012/243/97-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

IN THE COURT OF JUDGE, LABOUR COURT,
SOLAPUR

Coram : Shri B. R. Gupta, Presiding Officer,
Labour Court, Solapur.

Ref. IDA No. 22/1998,
Exh. No. O/4.

1. The Chairman,
Vysya Bank Ltd.
72, St. Marks Road, Bangalore.
2. The Chairman,
I.N.G.C. Bank Ltd,
72, St. Marks Road, Bangalore,

— First party

V/s.

Shrikant K. Rangdal,
R/65, Avanti Nagar,
Pune Road, Solapur.

— Second party

Shri. G. R. Joshi, Advocate, for first party - Employer.

Shri. R. G. Mhetras, Advocate, for Second party-Employee.

AWARD

(Date 23-05-2011)

1. The Desk Officer, Government of India, Ministry of Labour, New Delhi, in exercise of the powers conferred upon him by Section 10(1) of the Industrial Disputes Act, 1947, referred the present dispute between the above named parties for adjudication.

2. As per contention of second party-employee (hereinafter referred to as an 'employee') made in his statement of claim vide Exh. U-4, he was working towards first party-employer bank (hereinafter referred to as an 'employer') since July 91 as a clerk-cum-typist on basis pay of Rs. 1000 per month plus other applicable allowances. He worked till 30-9-95 continuously without any interruption. As per his contention employer designated him as a temporary clerk, however, actually he was working on vacant post of permanent clerk. As per his contention before his appointment he was under gone for training as per written order of employer dated 20-5-91. During training period also he received stipend amount of Rs. 400 per month. As per his contention he is a commerce graduate and also passed typing test of 40 w. p. m. through Government institution. After completion of his training his interview was also taken and thereafter he was appointed as a clerk by employer. As per his contention his work was unblemished however, inspite of that manager of employer bank terminated his services by oral order from 1-10-95. At the time of termination he was neither given any chargesheet nor given any notice, notice pay in lieu of notice and compensation. Even first party not informed him as to why his services are terminated. Hence, act of employer amounts to unfair labour practice and illegal. Hence he prayed for his reinstatement with continuity of service and full back wages.

3. The first party employer appeared and resisted the claim of the second party vide w.s. Exh. C-6. As per their contention present reference itself is not maintainable. As per their contention no claim was referred before Conciliation Officer and directly reference made to this Court by Conciliation Officer Central Government and therefore present reference itself is not maintainable. In their further statement they denied contention of employee that he continuously worked towards employer from July 1991 to Sept. 1995. They also denied contention that employee has also taken training and also received stipend allowance as alleged. They also denied that employer had terminated services of employee in contravention of provisions of Labour Laws. As per their contention appointment of employee was on contractual basis and

for temporary period. His last appointment was for the period from 1-7-95 to 27-7-95 and after expiry of said term his services were automatically came to an end. Therefore non-renewal of appointment of employee do not amounts to retrenchment. Therefore present reference is hit by Section 2(oo) (bb) of the I. D. Act. Therefore, question of giving notice and retrenchment compensation does not arise. In their reply they not disputed the fact that employee was getting salary of Rs. 1000 per month. Employer also given specific periods of appointment of employee in their reply and contended that appointment of employee was for specific period. In the year 1991 his appointment was in the month of July and from 10th October to 23rd October. In the year 1992 he was appointed in the month of August and for 23 days in September, 15 days in October and November. He was not appointed in 1993. Subsequently in the year 1994 his appointment was for days 20 days in February and one month in April. In 1995 his appointment was in the month of May and 20 days in June and subsequently from 1-7-95 to 25-7-95. There was no extension of his temporary appointment order after 25-7-95. Employee had not completed 240 days in any year and therefore question of payment of compensation does not arise. Therefore, there is no illegality committed by employer. They also contended that after termination of service employee has joined services in Samarth Sahakari Bank. Moreover, at present he is working as a branch manager in Samarth Sahakari Bank and getting more salary than he was getting in his previous employment with employer. Therefore, on that ground also present reference is liable to be rejected. Accordingly they requested to dismiss the reference with costs.

4. On the basis of pleadings issues were framed at exh. O-3. Both parties filed written notes of argument vide exh. U-44 and C-17 and counsel of employee also made oral submissions, after perusal of notes of arguments, evidence lead before Court and documents on record I have recorded my findings against those issues for the reasons given below.

Issues	Findings
1. Does second party prove that termination of his service w.e.f. 1-10-95 is unjustified ?	In affirmative
2. Does the first party prove that the termination of his services attracts Sec. 2(oc) (bb) and therefore action is justified ?	In negative.
3. Does second party prove that he is entitled to the relief as prayed or otherwise ?	Partly affirmative
4. What order/award ?	As per final order.

REASONS

Issue No. 1 and 2 :—

5. In present case the fact that employee started to work towards employer as a clerk from July 1991 is not in dispute. However, as per contention of employee since July 1991 he continuously worked towards employer till 30-9-95 and his services are terminated without complying the provisions of Industrial Disputes Act and therefore his termination is illegal. However, as per contention of first party employer appointment of employee was on contractual basis and for short period from time to time. His services are terminated on expiry of term of contract and therefore as per Sec. 2(oo) (bb) his termination cannot be termed as retrenchment and therefore no question of giving notice and retrenchment compensation to employee and therefore there is no illegality in termination of employee. Therefore, it is necessary to see as to whether appointment of employee was on contractual basis for temporary period or he worked continuously from July 1991. If employer proves that appointment of employee was on contractual basis for temporary period then question of retrenchment compensation and notice does not arise. However, if he fails to prove the same then termination of second party employee can be termed as illegal as first party neither given notice nor paid notice pay and compensation.

6. In this respect second party employee examined himself at exh. U-21 and U-39 and deposed on oath as per contentions made in his statement of claim. He also stated that since 1-7-91 to 30-9-95 every year he worked towards employer for more than 240 days. However, inspite of that employer has terminated his services by oral order without giving any notice or notice pay and compensation. He also stated about his applications by which he had requested for production of documents by first party. However, inspite of that first party not produced material documents on record. He also filed some documents on record with list Exh. U-22A and U-40 i.e. order dated 20-5-91 by which employee was directed for taking training; true copy of his B. Com. Mark list and English typing-examination. He also filed letter of first party by which they replied that they are unable to give extract of bank account of employee as it is 10 years old. On the other hand, first party employer neither laid any evidence to support their defence nor filed any documentary evidence to support their contention. However, in their written argument they contended that employee was contractual employee and his services are terminated by expiry of contractual period and therefore his termination does not amounts retrenchment and therefore it is not necessary to give notice and retrenchment compensation.

7. At the time of arguments counsel of second party employee also drawn my attention towards his application by which he had requested for production of material

documents including attendance register for the period from 1991 to 1995 but inspite of that employer not filed those documents on record. He also argued that employer also not entered in witness box and therefore statements on oath of employee should be believed and adverse inference may be drawn against employer and his defence should not be considered. On law point he also cited some decisions of Hon'ble Supreme Court and Hon'ble High Court . i.e. (1) Canara Bank, Bombay V/s. Eastern Mechanical Works, Bombay reported in 2008(5) Mh. L.J. 720, (2) Narayan Govind Gavate V/s. State of Maharashtra reported in 1977 AIR 183 SC, (3) Union of India V/s. Sugauli Sugar Works (P) Ltd. reported in 1976 AIR 1414 SC. (4) H. D. Singh V/s. Reserve Bank of India reported in 1985 SCC (L&S) 975 SC. (5) The State Bank of India V/s. N. Sundara Money 1976 SCC (L&S) 132 SC and (6) Kushalbhai Mahojibhai Patel V/s. A Firm of Mohmadhussain Rahimbux reported in 1981 AIR 977 SC. In first citation in money suit defendant did not entered in witness box to state facts pleaded in written statement and on that ground defence of defendant was rejected. In second citation burden of proof and onus of proof as per Evidence Act is discussed and it is held that if party who possesses best evidence does not produce it on record before the Court then adverse inference can be drawn against him. It is also held that if no evidence laid to prove burden shifted on party then it can be held that he failed to prove burden shifted on him. In third citation adverse inference was drawn against party who not filed important document on record. In forth citation employer not produced attendance register of employee to contravene workman's claim and on that ground adverse inference was drawn and claim of workman accepted and it is held that workman had worked for more than 240 days in a year as per Sec. 25- B of the I.D. Act. Citation at Sr. Nos. 5 and 6 are also regarding same point about drawing adverse inference for non-production of material documents and entry in witness box.

8. In present case inspite of specific defence of employer that appointment of employee was for temporary period on contract basis they not produced any documentary evidence in that respect. Even they not produced any single order by which employee was appointed temporarily for fixed period. Even employer not entered in witness box to justify their contention that appointment of employee was on contractual basis and for particular period and therefore their contention about contractual appointment does not appears acceptable. Moreover, even by way of cross examination of employee employer has not brought any incriminating admissions to justify their defence. On the other hand, employee has stated on oath to support his contention that he continuously worked from July 1991 to September 1995 and without giving any notice or retrenchment

compensation he is terminated from service. In cross examination of employee there is nothing to discard his testimony on oath. Moreover, it is an admitted fact that employee has started to work towards employer since July 1991 and worked till the year 1995. As per employee he worked till 30-9-95. However, as per employer he worked till 25-7-95 only. Said fact shows that at least employee had worked for about 4 years towards employer. In the absence of any evidence or document from the side of employer to support their defence the contention of employee which is on oath appears acceptable that he continuously worked for more than 4 years towards employer. However, inspite of that his services are terminated by oral order without notice, notice pay in lieu of notice and compensation. Contention of employee is also well supported by documentary evidence filed with list Exh. U-22A which shows that before appointment employee was also given training and during training period also he was given stipend amount of Rs. 400 per month. Certificates filed on record also shows that he was commerce graduate and also possesses English typing of 40 w.p.m. certificate. Said fact supports his contention that he was qualified for the post of clerk as alleged by him.

9. From record it also appears that employee had made applications from time to time for production of material documents including attendance register from July 1991 to September 1995. However, inspite of that employer not filed any such document on record. Orders on those applications shows that employer had given undertaking to produce attendance register but inspite of that he not produced it and therefore Court has held that said aspect can be considered at the time of final argument on merits. However, inspite of that employer not produced, such documentary evidence on record. Admittedly attendance register maintained, by employer is the best evidence to prove whether employee had continuously worked for more than 240 days in each year towards employer or not. However, inspite of undertaking employer not produced said most important document on record. Even he not filed extract of said register on record. Moreover, he also not entered in the witness box and therefore I have no reason to disbelieve the version of employee which is on oath that he worked for more than 240 days in every year from July 1991 to September 1995 and his service was not on contractual basis. In such, situation it was mandatory on the part of employer to give notice or notice pay in lieu of notice and compensation as per Sec. 25-F of the I. D. Act before terminating the services of employee. However, admittedly in this case employer has not complied the provisions of Sec. 25-F of the I. D. Act and terminated the services of employee by oral order and therefore I hold that said act of employer is illegal. Accordingly I answer issue no. 1 in affirmative and issue no. 2 in negative.

Issue No.3 :—

10. In view of my findings against issue nos. 1 and 21 hold that act of employer of terminating services of employee without compliance of provisions under Sec. 25-F of the I. D. Act amounts to illegal and unfair labour practice. Therefore employee is entitled for the relief of reinstatement with continuity of service. However, so far as back wages are concerned in that respect burden is on employee to prove that inspite of sincere efforts he could not get gainful employment. However, in present case the employee has neither pleaded nor laid evidence about his gainful employment. On the contrary at the time of cross examination he has given vital admissions about gainful employment. In his cross-examination he has admitted the fact that since 1st October, 1995 he started to work towards chartered accountant Pandhare and after termination of his services by chartered accountant Pandhare he started to work in Samarth Sahakari Bank since 1st October, 1996 initially as a clerk and subsequently as a Sr. Officer. He also admitted that initially he was getting salary of Rs. 1000 per month and at present he is getting Rs. 13000 per month. Even he has admitted that now he is working as a branch manager. He also admitted that in Samarth Sahakari Bank he is working as a permanent employee. Said admissions of employees shows that he is getting more salary in Samarth Sahakari Bank than his previous salary by first party employer. Moreover, he became permanent employee in Samarth Sahakari Bank and now working as a Branch Manager. Said facts shows that after his termination he is gainfully employed and getting more salary than his previous employment towards employer and therefore I hold that he is not entitled to any back wages. Accordingly, I answer the issue no. 3 partly in affirmative and proceed to pass the following order.

ORDER

1. Reference is partly allowed.
2. The first party employer is hereby directed to reinstate the second party employee, on the post from which he was terminated, with continuity of service, however, without back wages.
3. No order as to costs.
4. Award be drawn accordingly.

Place: Solapur

B. R. GUPTA, Presiding Officer

Date :- 23-5-2010

नई दिल्ली, 4 जुलाई, 2011

का.आ. 2000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण मध्य रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 2/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-7-2011 को प्राप्त हुआ था।

[सं. एल-41012/11/2009-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 4th July, 2011

S.O. 2000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 1-7-2011.

[No. L-41012/11/2009-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 6th day of April, 2011

INDUSTRIAL DISPUTE No. 2/2011

Between:

Sri H.V. Appa Rao,
C/o Sri G. Satyanarayana,
O.S. Typing, GPO Office,
IV Floor, Rail Nilayam,
Secunderabad

... Petitioner

AND

The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad

... Respondent

Appearances :

For the Petitioner : Party in person

For the Respondent : NIL

ORDER

The Government of India, Ministry of Labour by its Order No. L-41012/11/2009-IR(B-I) dated 31-1-2011 referred the following dispute under section 10(1)(d) of the LD. Act, 1947 for adjudication to this Tribunal between the management of South Central Railway and their workman.

The reference is as under :

SCHEDULE

“Whether the action of the management of South Central Railway, Secunderabad in terminating the service of Shri H.V. Appa Rao, w.e.f. 10-8-2007 by accepting false resignation letter without conducting an enquiry is legal and justified? To what relief the workman is entitled?”

The reference is numbered in this Tribunal as I.D. No. 2/2011 and notices were issued to the parties.

2. On 6-4-2011 case is called for appearance of parties concerned. Petitioner filed memo dated 5-4-2011 stating that he does not want to pursue the case as he has been re-engaged as Substitute Bungalow Peon attached to the Bungalow of Sri R.V.N. Sarma, the then Sr. EDPM/LGDS and now Secretary to Chief Mechanical Engineer (CME) and want to withdraw the present case. Workman is identified by Mr. A. Prithvi Raj counsel for Respondent.

3. In light of the above cited memo, the reference is treated to be withdrawn and hence this order. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 6th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 5 जुलाई, 2011

का.आ. 2001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 95/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]
डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th July, 2011

S.O. 2001.—In pursuance of Section 17 of the Industrial

Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 95/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between employers in relation to the management of SCCL and their workman, which was received by the Central Government on 5-7-2011.

[No. L-22013/1/2011-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 2nd day of May, 2011

INDUSTRIAL DISPUTE L.C. No. 95/2007

Between :

Sri Chippakurthi Lingaiah,
S/o Lasmaiah,
H. No. 22-145, 13th Ward,
Mancherla, Dist: Adilabad

... Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.
Ramakrishnapoor
Adilabad District.

2. The Managing Director,
M/s. Singareni Collieries Company Ltd.
Kothagudem Post, Khammam District

... Respondents

APPEARANCES:

For the Petitioner : Sri S. Bhagwanth Rao, Advocate

For the Respondent : Sri S.M. Subhani, Advocate

AWARD

This petition under Sec. 2 A(2) of the I.D. Act, 1947 has been filed by Sri Chippakurthi Lingaiah, ex-badli filler to set aside the termination order dated 15-1-2003 and to reinstate the Petitioner workman with full back wages.

2. It is alleged by the Petitioner that Petitioner was appointed by Respondent No.1 on 1-12-1978 at Ramakrishnapur. The Petitioner has put in 130 musters in 1998, 157 musters in 1999 and 125 musters in 2000 and only 99 musters in 2001. A charge sheet was issued on

2-5-2002 under Section 25(33) of Standing Orders of company as is :

“habitual absenteeism and without submitting leave overstaying beyond sanctioned leave.”

3. He submitted explanation to the charge sheet with medical certificates. Petitioner's health was not good and he has taken treatment in various hospitals including colliery hospital. Petitioner was dismissed from service on 20-1-2003 arbitrarily, illegally against the principles of natural justice. Petitioner is a patient of nerves and suffering from 1998. Medical certificates produced by him were not accepted during enquiry. The conduct of enquiry without subsistence allowance is null and void. Proper opportunity was not given to the Petitioner in the enquiry proceeding. Hence, it is prayed that the dismissal order issued by Respondent No.1 be declared as illegal and arbitrary and set aside the same consequently directing the Respondents to reinstate the Petitioner into service with all consequential benefits.

3. Management has submitted his reply alleging therein that Petitioner remained absent for the year 2000 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. Petitioner was appointed into the service of the Respondent company on 16-6-1983. Petitioner had put in 129 musters in the year 1998, 100 musters in 1999 and 100 musters in the year 2000. He remained absent for the rest of days in the year 2000 as such, he was issued with a charge sheet dated 15-2-2001 for his absenteeism during the year 2000. Petitioner has submitted explanation to the charge sheet dated 6-4-2001 which was found unsatisfactory as such, enquiry was ordered. It is denied that he has submitted medical certificates along with the explanation. Due notices were given to the Petitioner to participate in the enquiry proceeding. The notice was acknowledged by the Petitioner and he has participated fully in the enquiry proceeding. Enquiry report was also provided to the Petitioner. He acknowledged the notice on 10-5-2001 and submitted his representation dated 23-5-2001. Disciplinary Authority on considering enquiry proceeding, enquiry report and representation of Petitioner decided to impose punishment of dismissal from service, accordingly, his services were dismissed w.e.f. 31-7-2001. It is not correct that he was dismissed from service on 20-1-2003. Petitioner did not produce any sickness proof, thus he failed to produce any documentary evidence before the Enquiry Officer. Petitioner did not avail the assistance of co-worker though he was given opportunity to take the help of a co-

worker. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals, the Petitioner did not reported to the company hospital for his sickness thus, his submission that he was absent due to ill-health is unfounded, Enquiry Officer has given his finding on the material placed before him by the management and no fault can be find in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid. It is submitted that the subsistence allowance is payable only in case of suspension pending enquiry, which is not applicable to the Petitioner as he was charge sheeted for absenteeism without sanctioned leave or sufficient cause and not placed under suspension. Mere putting of 20 years of service does not qualify an employee to opt for voluntary retirement scheme, as per scheme those who are facing disciplinary proceedings for any misconduct, during the operation period of the scheme are not eligible for seeking voluntary retirement. Petitioner has not fulfilled the conditions of voluntary retirement scheme hence, his request was not accepted for the scheme. After giving fair opportunity and rendering counselling to the Petitioner on 9-4-2001 by giving opportunity to improve his performance. But he has put in only 47 days of attendance during the period from January, 2001 to June, 2001, though he was given opportunity to improve his performance, he remained absent and failed to improve. Hence, the petition be dismissed.

4. Parties were directed to produce documentary evidence in support of their claims, Petitioner has filed xerox copies of dismissal order dated 15-1-2003, representation of the Petitioner dated 23-5-2001, pay slip for 1/2002, bunch of original medical prescriptions, discharge summary and enquiry proceeding. However, the Respondent has filed charge sheet, acknowledgement of charge sheet, enquiry notice, request letter, entire domestic enquiry proceedings file, enquiry report, show cause notice issued to him, his representation for show cause notice and dismissal order.

5. Coming to the point of the legality and validity of domestic enquiry conducted by the management it is pertinent to mention that as the Petitioner has not challenged the legality of the domestic enquiry, case is fixed for arguments under Sec. 11A of the Industrial Disputes Act, 1947, Petitioner counsel called absent and heard argument of Respondent.

6. It appears that Petitioner is not interested to proceed with the case. However, I have gone through the claim statement, counter statement, documents of the both

parties and arguments of the Respondent.

7. It is admitted fact that the Petitioner remained absent during the year 2000 for which a charge sheet dated 15-2-2001 was issued to the Petitioner, he acknowledged the receipt of charge sheet. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge.

8. This tribunal has to consider the following points:

- (1) Whether the absence of Petitioner during the year 2000 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not ?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner ?

9. Point No.1: The Petitioner has submitted that he fell sick during the year 2000 due to which he remained absent. His statement was recorded by the Enquiry Officer and during the course of the enquiry he stated that he remained absent for the period mentioned in charge sheet due to health problems. But has not been able to provide any single piece of paper before the Enquiry Officer to substantiate his allegations, he has not mentioned what was the cause of his ill-health and from where he took treatment. He simply stated that his health condition was not good due to which he remained absent during the year 2000. As against this, the management has produced Sri Galib Shareef, POA and Sri K. Nagabhushanam, Clerk to prove that Petitioner remained absent without any leave or without any intimation during the year 2000 and had put in only 100 musters in 2000. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was unable to prove that his absence during the year 2000 was due to sufficient reason. Though he stated that he was absent due to ill-health but he is not able to provide any evidence or material in support of his illness. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not informed his superiors regarding his illness has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 2000 was based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer.

9. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 2000, his absence was without

any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No.1 is decided accordingly.

10. Point No. 2: So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 2000, he has voluntarily admitted before the Enquiry Officer that he remained absent during 2000 and though the Respondent management has stated in the counter statement that Petitioner remained absent during the years 1998 and 1999 but it was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence cannot be taken into consideration but the absence during the entire year 2000 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was an unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

11. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No.2 is decided accordingly.

12. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 2nd day of May, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

नई दिल्ली, 5 जुलाई, 2011

AWARD

का.आ. 2002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 63/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आईआर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th July, 2011

S.O. 2002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 63/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 5-7-2011.

[No. L-22013/1/2011-IR(C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 18th day of April, 2010

Industrial Dispute L.C. No. 63/2004

Between :

Sri Sonnala Ramulu,
S/o Hanmanthu,
R/o Gattepally (Post),
Peddapally Tq. Karimnagar District.Petitioner

AND

The General Manager,
Singareni Collieries Company Limited,
Ramagundam Area-I, Godavarikhani,
Karimnagar District.Respondent

APPEARANCES

For the Petitioner : M/s. A.K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha, T. Bal
Reddy, M. Govind., K. Ajay
Kumar & Venkatesh Dixit,
Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya
Lakshmi Panguluri, Advocates

This petition under Sec.2 A (2) of the I.D. Act, 1947 was filed by Sri Sonnala Ramulu, Ex.Coal filler of Singareni Collieries Company Limited against the order of dismissal dated 3-6-1989.

2. It has been alleged in the petition that Petitioner joined as badli filler in 1974 and was promoted as coal filler. He was sincere to his job and he obeyed the orders of his superiors till he was dismissed from service on 3-6-1989 without following the mandatory provisions of Industrial Disputes Act, 1947.

3. It has further been alleged that management filed an application under Sec.33. 2(b) of Industrial Disputes Act, 1947 M.P.No.40/1989 in ID 56/1984 for seeking permission or approval of the tribunal justifying the action of management in dismissing the services of the Petitioner. The Petitioner was one of the workmen of I.D.No.56/1984. In the said ID the Hon'ble Industrial Tribunal, Hyderabad passed an order dated 17-2-1993 alleging that domestic enquiry was not held according to the principles of natural justice and the enquiry was vitiated. Aggrieved by the said order management filed writ petition No.3006 of 1993 before Hon'ble High Court of A.P. and Hon'ble High Court was pleased to set aside the order dated 17-2-1993 and restored the matter. The Hon'ble Industrial Tribunal on the basis of the order of Hon'ble High Court of A.P. restored the matter, heard the matter afresh and passed an order on 25-8-1995 granting approval to the Respondent management in dismissing the services of the workmen of ID 56/2004. Aggrieved with the said order, the Petitioner filed WP No. 29654/1995 which was heard by Hon'ble High Court of A.P. and Hon'ble High Court passed an order dated 20-1-2004 suspending the remarks made by the Industrial Tribunal and further held that the Labour Court or Industrial Tribunal will not be influenced by the observation or remarks made by the Tribunal. Thereby the Petitioner has approached this tribunal challenging the order of dismissal dated 3-6-1989.

4. It has been alleged that while the Petitioner was working a charge sheet was issued to him alleging therein that the Petitioner workman instigated the workmen and prevented them not to go into the mine and threatened his superiors that he will beat them and instigated for strike and participated in the strike due to which the company lost 327.0 tons of production, thereby the Petitioner workman committed an act of misconduct under clauses 16(1), 16(5), 16(9) and 16(19) of the company's standing orders read with Section 4(a), 4(b) of the Essential Services Maintenance Act for which the Petitioner submitted explanation. It has further been alleged that Colliery Manager is not an Appointing Authority nor Disciplinary Authority of the workman, as such, he has got no power to issue charge sheet nor he can initiate any disciplinary action against the workman. Only superiors to the Colliery

Manager can issue charge sheet and initiate disciplinary action.

5. The objection of the Petitioner was not considered and enquiry was ordered and a Junior Officer, subordinate to the Colliery Manager was appointed as Enquiry Officer where Colliery Manager was a complainant and witness to the incident as such, the principles of natural justice and that of objectives of departmental enquiry were violated.

6. The Enquiry Officer failed to explain the procedure of enquiry. Enquiry was held in English language which is not known to the workman and Enquiry Officer failed to explain the contents etc.. It has further been alleged by the Petitioner that he is active member of the trade union and he often used to espouse the grievances of the workmen to the superior officer. Due to active participation in the trade union activities the management has framed false allegations to harass the Petitioner. The management has adopted unfair labour practice, discrimination and victimization of workers. The punishment of dismissal has been passed without considering the past record of the Petitioner. The misconduct was not proved during the enquiry proceeding. The entire enquiry proceeding is prejudicial and the proof of the alleged misconduct is without any evidence. On the basis of the above allegations the Petitioner has approached this tribunal for quashment of dismissal order dated 3-6-1989 and to reinstate in the service with all consequential benefits.

7. Respondent management has filed counter statement stating therein that the petition is devoid of merit and is not maintainable. The present petition has been filed after disposal of WP No.29654/1995 after Respondent has taken steps for seeking return of documents but Respondent has not received the documents back as such, he is unable to give detailed reply. The Petitioner in this case has not stated facts in proper prospective. The Petitioner's dismissal under Sec.33.(2)(b) has been accepted and there is no proportionality of punishment in the present petition.

8. The contention of the Petitioner that Colliery Manager has no power to issue charge sheet is devoid of merit as this matter has been already settled by Hon'ble High Court as such, this matter can not be raised again.

9. The contention of the Petitioner that enquiry was stage managed and reasonable opportunity was not afforded to the Petitioner is incorrect. The enquiry proceeding was conducted in proper prospective, proper and fair opportunity was afforded to the Petitioner to participate in the enquiry he participated in the proceedings. The enquiry proceeding was explained to the Petitioner in the language known to him. He participated in it, both the parties adduced their evidence and basing on the evidence Enquiry Officer submitted his report. The allegation of the Petitioner that he is a member of the trade

union espousing the cause of the workman hence, he has been involved in the case is totally false.

10. Parties were directed to produce their evidence. Both the parties produced their evidence. Petitioner workman has filed documents Ex.W1 to W4 whereas the management has filed as many as 14 documents which consists of enquiry proceeding, evidence of the parties, enquiry report etc., in all 75 pages.

11. In the present petition the Petitioner workman has challenged the legality and validity of the enquiry proceeding which was considered by my Learned Predecessor and who heard both the parties on the question of legality and validity of the enquiry proceeding and has arrived at the conclusion that the domestic enquiry conducted by the management is legal and valid by his order dated 14-5-2007. Since the question of legality and validity of the domestic enquiry has already been decided by my Learned Predecessor, I have to adjudicate the main question raised through this petition. It has to be considered by this tribunal that:

- I. Whether the action of the management in terminating the services of the Petitioner vide order dated 3-6-1989 is legal and valid or not?
- II. Whether the Petitioner workman is entitled for any relief or not?

12. **Point No. i:** The Petitioner workman has himself stated that an ID 56/1984 was filed before Industrial Tribunal, Hyderabad wherein Petitioner was a party to the proceeding and management filed a petition under Sec.33.(2)(b) of Industrial Disputes Act, 1947 for approval of the tribunal regarding action of management in dismissing the services of the Petitioner along with other workmen. Said approval was granted by the tribunal vide order dated 25-8-1995. The said order was challenged but the approval of the order of dismissal was upheld by the Hon'ble High Court of A.P. after the decision of the said writ petition the Petitioner filed present petition challenging the action of the management on the ground of non-observation of the principles of natural justice and non-observation of the principles of Industrial Disputes Act, 1947. The contention of the Petitioner is that he was issued with the charge sheet dated 19-10-1988 and he was again issued charge sheet by the Colliery Manager on this issue, the Petitioner wanted to know from the Colliery Manager whether he has powers to issue charge sheet or not and his fellow workers also accompanied him where some altercation was took place between him and Colliery Manager. During that altercation the Petitioner is alleged to have used abusive language to the Colliery Manager in the presence of other co-workers and thereby he committed misconduct under clauses 16(1), 16(5), 16(9) and 16(19) of the company's standing Petitioner further instigated co-workmen to strike to the work causing loss to the company thereby another charge under Section 4(a), 4(b) of the Essential Services

Maintenance Act, 1981 was also leveled against the Petitioner. The Petitioner workman was asked to explain. He submitted his explanation but not satisfied with the explanation of the Petitioner enquiry was ordered wherein the Petitioner has participated. Enquiry Officer recorded evidence of both the parties, i.e., management and workman and he concluded with the finding that the charges under clauses 16(1), 16(5), 16(9) and 16(19) of the company's standing orders read with Section 4(a), 4(b) of the Essential Services Maintenance Act, 1981 was proved against the workman.

13. The contention of the Petitioner is that he is a trade union leader and he used to espouse the grievances of the workmen and due to his active participation in the trade union activities the management has framed false allegations with a view to harass the Petitioner. But at the same time, the Petitioner has admitted during course of enquiry that the strike took place on the date alleged to be the date of altercation with the Colliery Manager. How the strike occurred, has not been explained by the Petitioner. The Petitioner's contention is that the rival group of the trade union has instigated in strike on that alleged date of strike causing loss to the company but this fact has not been proved by the workman. All these material facts were enquired by the Enquiry Officer and he has given cogent finding to which my Learned Predecessor has held to be legal and valid.

14. It has been argued by the Learned Counsel for the management that once the enquiry was held to be legal and valid and the finding of the Enquiry Officer to be based on evidence this tribunal can not enter into the same question again.

15. I agree with the argument of the Learned Counsel for the management that once my Learned Predecessor has held that enquiry proceeding was legal and valid the Enquiry Officer has given cogent finding holding the charges against the Petitioner were proved on the basis of the evidence produced before him, this tribunal has no authority to re-enter into the same question at this stage. Thus, from the facts and evidence available on the record, that is the record of the enquiry proceeding it is established that Petitioner used filthy language against the Colliery Manager, he threatened to beat him on the alleged date of the incident and he instigated other co-workers to strike the work and thereby he was guilty of the misconduct provided under clauses 16(1), 16(5), 16(9) and 16(19) of the company's standing orders and Section 4(a), 4(b) of the Essential Services Maintenance Act, 1981. Point No.1 is decided accordingly.

16. Point No. II : The Petitioner workman has not been able to prove that management has imposed disproportionate punishment on him. The misconduct committed by Petitioner workman is very serious in the nature as he has abused his superior in his office in presence of other subordinate employees of the company,

he not only abused the officer but threatened to beat him and such workman does not deserve to be remained in the service of the department or company. The management has not committed any mistake in terminating the services of the Petitioner. The punishment is in accordance with the gravity of the misconduct committed by the workman and I find that Petitioner does not deserve any leniency or sympathy. Point No.II is decided accordingly.

17. From the above discussion, this tribunal comes to the conclusion that Petitioner does not deserve any sympathy and he is not entitled for any relief and petition deserves to be dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 18th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WWI: Sri Sonnaia Ramulu

NIL

Documents marked for the Petitioner

Ex.W1 : Copy of charge-sheet

Ex.W2 : Copy of explanation to charge-sheet

Ex.W3 : Copy of order in WP No. 3806/1993.

Ex.W4 : Copy of order in WP 29654/1995.

Documents marked for the Respondent

NIL

नई दिल्ली, 5 जुलाई, 2011

का.आ. 2003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 7/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आईआर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th July, 2011

S.O. 2003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 7/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 5-7-2011.

[No. L-22013/1/2011-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT
AT HYDERABAD

Present : Shri VED PRAKASH GAUR, Presiding Officer

Dated the 2nd day of May, 2011

Industrial Dispute L. C. No. 7/2008

Between :

Sri E. Rajesham,
 S/o Ellu,
 R/o Q.No. VKCH/544,
 Venkateshwari Post,
 Khammam District

...Petitioner

AND

1. The Chairman & Managing Director,
 M/s. Singareni Collieries Company Ltd.
2. The Chief General Manager,
 M/s. Singareni Collieries Company Ltd., Kothagudem
 Area, Khammam District.
3. The Manager,
 M/s. Singareni Collieries Company Ltd.,
 Kothagudem Area, Khammam District. ... Respondents

Appearances:

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya Sri &
 P. Sudheer Rao, Advocates.

For the Respondent : Sri S.M. Subhani, Advocate.

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 was filed by Sri E. Rajesham, Ex. General Mazdoor of M/s. Singareni Collieries Company Ltd., against the management challenging the order of his dismissal dated 12-9-2007 to quash the said order and reinstate him with back wages.

2. It has been alleged by the Petitioner that he was appointed as badli filler on 8-12-1982 and promoted as General Mazdoor in the year 1987 and he further promoted as Trammer in the year 1990. A charge-sheet dated 19-2-2007 was issued to him alleging that he remained absent on number of days without leave or sufficient cause during 2006. Petitioner submitted his explanation on 21-2-2007 however, the enquiry was ordered. Petitioner submitted that he remained sick, he was suffering from Chicken Gunya and High Fever and was not in a position to perform his duties. Enquiry was conducted. One Sri K.K. Ram Mohan was examined as management witness who produced pay slips. Petitioner himself examined in his defence, submitted medical certificates before the Disciplinary Authority but without considering the facts and circumstances, certificates produced by the Petitioner, Respondent dismissed the Petitioner from services. The Enquiry Officer has failed to appreciate the facts and circumstances of the case. The finding of the Enquiry

Officer is perverse and based on no evidence, hence, the dismissal order dated 12-9-2007 is illegal arbitrary and unjust and liable to be set aside. Though the Petitioner filed mercy application to the Chairman and Managing Director, it was not considered. Removal of Petitioner from service is shockingly disproportionate to the charges alleged against the Petitioner and he prays to direct Respondents to reinstate the Petitioner with full back wages, continuity of service and all other benefits.

3. Respondent management has filed counter challenging the maintainability of the petition under Sec.2A(2), further stating that Petitioner was an unauthorized absentee who was dismissed from services on proved charges of absenteeism after conducting a detailed domestic enquiry following the principles of natural justice. It has been submitted that the workman was appointed on 10-12-1982 as badli filler and subsequently promoted as general mazdoor on 14-10-1998 and as trammer w.e.f. 22-10-1990. Petitioner was irregular to his duties. He has put in 154 musters in the year 2004, 143 musters in 2005, 97 musters in 2006 and 61 musters up to August, 2007. It is submitted that the minimum musters required to be put in by an employee employed underground is 190 which the Petitioner has failed to put in as required, therefore he was issued with a charge-sheet dated 19-2-2007 for unauthorized absence for the year 2006. Petitioner submitted his explanation denying the charges levelled against him. The procedure of enquiry was made known to the Petitioner. He was informed about his right to engage an assistant for his defence which he did not avail. Petitioner stated during the course of enquiry that his aunt expired in June, 2006 and brother expired in September, 2006 which is contradictory to the averment in the claim statement that due to death of his father he could not attend his duties. He remained absent without any reasonable or sufficient cause hampering the working of the company, hence he was dismissed. He was issued show cause notice dated 29-5-2007 to submit his representation on the enquiry report enclosed therewith. He acknowledged the same and submitted explanation admitting the charges, requested to excuse as first mistake and allow him to continue to attend his duties. It is submitted that after considering the material evidence on record in the enquiry proceeding and past service records of the Petitioner Respondent company was constrained to dismiss the Petitioner from service w.e.f. 23-9-2007 vide order dated 12-9-2007, and punishment is proper in the light of the facts of the present case. Hence, the Petitioner is not entitled for any smooth or lenient view.

7. Both the parties were directed to file their respective evidence. Petitioner workman has filed xerox copies of documents, viz., identity card, appointment order, family members particulars, charge-sheet, explanation to charge-sheet, dismissal order. The Respondent management has also filed the charge sheet, explanation to charge-sheet, original enquiry proceeding, notice of enquiry to the

Petitioner, enquiry report, show cause notice, Petitioner's reply to show cause notice and dismissal order.

8. This tribunal has held the domestic enquiry conducted by the Respondent management as legal and valid vide order dated 5-7-2010. I have heard both the counsels under Sec.11 A of the Industrial Disputes Act, 1947.

10. Heard both counsels and I have gone through the claim statement, counter and documents filed by the parties concerned. It has been argued by the Learned Counsel for the Petitioner workman that he has not disputed the fact that Petitioner was absent during the year 2006 and put in only 97 musters during the year 2006. However, his contention is that the workman remained absent due to ill-health. This fact was stated by the workman during course of enquiry that the same was not considered by the Enquiry Officer. Thus, the finding of the Enquiry Officer is perverse for non-consideration of the submission made by the workman. He has further argued that workman was punished with severe punishment though dismissal from service is a last resort. Thus, the Disciplinary Authority has taken last resort of punishment by way of dismissing the Petitioner from the service, which is excessive and disproportionate, as such, the order of dismissal is arbitrary, unjustified and illegal and deserves to be set aside.

11. Learned Counsel for the Respondent has contended that the question of absenteeism is undisputed. It was the duty of the Petitioner to prove that he remained absent for reasonable and sufficient cause. The management has examined Sri D. Prabhakar Rao, Presenting Officer and Sri K. Ram Mohan, Pay Sheet Clerk and the Petitioner has examined himself wherein he has stated that his aunt died in June, 2006 and brother died in September, 2006 due to which he was upset and also he has suffered with Chicken Gunya during the year 2006. But, he has stated in his explanation to charge sheet that his father died in the year 2006. he was upset and irregular to his duties which is contradictory to the statement given during enquiry proceeding. He admitted charges levelled against him and no document was produced by the Petitioner during course of the enquiry. as such, the contention of the Learned Counsel for the workman that workman was not afforded proper and ample opportunity is imaginary, it is not based on the material available before this tribunal, entire argument is baseless, imaginary and does not find support from the facts and the documents available on the record.

12. He has further argued that the Petitioner workman has put in only 97 musters during the year 2006 due to which the production has been hampered and the management has no other option but to dismiss such type of employee who are careless towards their duties. His punishment is neither disproportionate nor excessive.

13. I have considered the above arguments of Learned Counsels for the parties and I have gone through the

submission made by both the parties. The following points has to be considered by this tribunal :—

- (I) Whether the action of Petitioner to remain absent from duty is for any sufficient and reasonable cause?
- (II) Whether the punishment imposed on Petitioner is excessive and disproportionate?
- (III) To what relief the Petitioner is entitled?

14. **Point No. (I) :** It is undisputed fact that Petitioner Sri E. Rajesham has put in only 97 musters during the year 2006 and he remained absent without any prior sanction or leave. His contention is that he remained absent due to death of his aunt and brother and also suffered from Chicken Guniya. I have gone through the enquiry proceeding file. Petitioner has stated before the Enquiry Officer that he had suffered from Chicken Guniya but he has categorically admitted that he remained absent without any reasonable cause and he pleaded guilty of the charges levelled against him. This submission of the Petitioner before the Enquiry Officer supported with the evidence of the management witnesses, the Enquiry Officer was fully justified in arriving at the conclusion that Petitioner was absent without any reasonable or sufficient cause and the charges of misconduct under company's Standing Orders No. 25.25 and 25.31 is proved is based on cogent reason and material available before the Enquiry Officer. The Petitioner has taken contradictory pleas of death of his father in his explanation whereas in his statement he stated that he remained absent due to death of his aunt and brother but has not furnished any evidence. I am fully in the agreement with the finding of the Enquiry Officer and the argument of the Learned Counsel for the Respondent that the Petitioner workman was afforded fair and ample opportunity during enquiry proceeding and the Petitioner workman has participated in the proceeding, witnesses were examined in his presence, he himself has examined in his defence but he was not able to prove the reasonableness of his absence. Thus, this tribunal has come to the conclusion that the Petitioner workman worked for 97 days during the year 2006 and he remained absent without any reasonable and sufficient cause and thereby he has committed misconduct within the meaning of Standing Orders 25.25 and 25.31. Point No. (I) is decided accordingly.

15. **Point No. (II) :** It is established that Petitioner workman has put in only 97 musters during the entire period of 2006 without any reasonable and sufficient cause, he being a trammer having remained absent even without any information to the department, as such, his conduct is improper and the management has committed no illegality in dismissing from service to such an employee who is careless towards his duties. The punishment imposed on the Petitioner is neither excessive nor disproportionate to the misconduct proved against the Petitioner. Point No. (II) is decided accordingly.

16. **Point No. (III) :** It is submitted by the Petitioner that the family of the Petitioner is being forced to starvation because the Petitioner has been dismissed from the service. I have considered this argument and I am of the view that the reason of the starvation of the family members of the Petitioner is the careless and negligent behaviour and habitual absenteeism of the Petitioner. He is responsible for the starvation of his family members, as such, any lenient attitude can not be taken in this matter. The Petitioner does not deserve any sympathy or relief from this tribunal. Point No. (III) is decided accordingly.

17. In view of the above discussion, this tribunal is of the opinion that Petition deserves to be dismissed and it is dismissed. Hence, this Award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 2nd day of May, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 5 जुलाई, 2011

का.आ. 2004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (एलसीआईडी संख्या 70/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आईआर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th July, 2011

S.O. 2004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 70/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 5-7-2011.

[No. L-22013/1/2011-IR (C-II)]

D. S. S. SRINIVAS RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT AT HYDERABAD

PRESENT : Ved Prakash Gaur, Presiding Officer

Dated the 2nd day of May, 2011

Industrial Dispute L.C. No. 70/2008

BETWEEN :

Sri Madasu Nagaraju,
S/o Aashalu,
VIA Incline, Kamanpur Mandal,
Distt : Karimnagar

...Petitioner

AND

The Chief General Manager,
M/s. Singareni Collieries Company Ltd.
Ramagundam Area I,
Godavarikhani

...Respondent

APPEARANCES :

For the Petitioner : Sri S. Bhagawanth Rao, Advocate
For the Respondent : Sri S. M. Subhani, Advocate

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri Madasu Nagaraju, Ex. Coal filler challenging the dismissal order dated 11-9-2000 passed by the management of M/s. Singareni Collieries Company Ltd., and to reinstate him with back wages and all attendant benefits.

2. Petitioner submitted that the Respondent company provided employment to the Petitioner on compassionate grounds on 17-8-1996 after death of his father in course of employment. He has discharged his services to the fullest satisfaction of the superiors till his dismissal. He has put in good number of musters in the years 1996, 1997 and 1998. In the year 1999 his health was not good as such, he could not attend to his duties. Due to death of his grand mother also he remained absent for performing her funeral rites. He was sick from 19-7-99 to 23-7-1999 and he sustained light mine accident for which C S W has issued a fit certificate No. 2281 of Medical Superintendent of Area Hospital Godvarikhani.

3. He was not provided with subsistence allowance. He was not given opportunity to cross-examine the management witnesses during enquiry proceeding and his signatures were obtained on white papers, later got it typed. Enquiry was conducted against the Petitioner arbitrarily, illegally and against the principles of natural justice. Father of Petitioner asked the management to provide lumpsum amount of Rs. 3 lakhs in lieu of dependent employment but no compensation was paid but management provided employment, thereby dismissed the Petitioner with premeditated manner. Respondent called Petitioner for

interview to Kothagudem, he attended the interview on 22-4-2005 before High Power Committee but no response. Having three children and wife Petitioner is facing lot of troubles, hence, he prayed this court to direct the Respondents to reinstate the Petitioner into service with continuity of service and other attendant benefits.

4. Respondent has filed counter statement stating therein that the Petitioner was dismissed from service on proved charges of absenteeism after conducting detailed enquiry following the principles of natural justice. It is submitted that the Petitioner was appointed on 16-8-1996 as badli filler on compassionate grounds i.e., dependent employment as per the provisions of National Coal Wage agreement consequent upon his father's death while in service. He has put in only 99 musters in 1996, 184 musters in 1997, 64 musters in 1998, and 33 musters in 1999 which shows his absenteeism wherein he has to put 190 musters in a year. A charge sheet dated 21-3-2000 was issued to the Petitioner for his absenteeism in the year 1999. He was dismissed from service after conducting a detailed domestic enquiry following the principles of natural justice. Petitioner was removed from service on proved charge of absenteeism. The criteria followed for reappointing the ex-workmen dismissed on absenteeism grounds was communicated by Lr. No. CRP/PER/IR/F/176/309, dated 18-2-2004 as follows :

“An employee who is aged below 55 years as on the date of Memo. of Settlement date and put in 190/240 musters (Underground/surface) in 2 calendar years or 150/240 musters (underground/surface) in the 4 calendar years during the period of 5 years preceding the year of dismissal and the year of dismissal will be treated as qualified for selection. A person not fulfilling the above criteria will be treated as not qualified for selection”.

He had put in the following actual musters during the 4 years preceding the year of his dismissal :

1996	99 days
1997	184 days
1998	64 days
1999	33 days

As such, the Petitioner has failed to fulfill the above guidelines. It is submitted that Petitioner got absented without sanctioned leave and unable to produce evidence in support of his unauthorized absence.

5. It is further submitted that Petitioner remained absent for the year 1999 but for 33 days which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. Petitioner's contention that he was not afforded

proper opportunity is incorrect. Petitioner did not produce any sickness proof, thus he failed to produce any documentary evidence before the Enquiry Officer. The petition be dismissed as devoid of merits.

6. Parties were directed to produce evidence in support of their claims. Petitioner has filed copies of documents viz., representation dated 5-12-2006, dismissal order, enquiry proceeding, show cause notice, enquiry report. Respondent has filed office order, charge sheet, explanation of Petitioner to the charge sheet, enquiry proceedings, enquiry report, show cause notice, acknowledgement to show cause notice and dismissal order.

7. Coming to the point of the legality and validity of domestic enquiry conducted by the management it is pertinent to mention that as the Petitioner has not challenged the legality of the domestic enquiry, case is fixed for arguments under Sec. 11A of the Industrial Disputes Act, 1947, Petitioner counsel called absent and heard argument of Respondent.

8. It appears that Petitioner is not interested to proceed with the case. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

9. It is admitted fact that the Petitioner has put in only 33 musters during the year 1999 for which a charge sheet dated 21-3-2000 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent because of ill-health. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. In this case this tribunal has to consider.

(1) Whether the absence of Petitioner during the year 1999 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not?

(2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner?

10. Point No.1: The Petitioner has submitted that he was sick due to which he remained absent during the year 1999 and put in 33 musters during the year 1999. His statement was recorded by the Enquiry Officer, during course of the enquiry he stated that he worked for 33 days and remained absent for the rest of days in 1997 due to health problems and also due to death of his grand mother, but has not been able to provide any single document before the Enquiry Officer to substantiate his allegations. In his reply dated 25-6-2000 he wrote that he was not keeping good health due to which he could not attend to his duties regularly. As against this, the management has produced Sri M. A. Haleem, Office Superintendent and Sri Mohd. Jahangeer, Paysheet Clerk Gr. I to prove that Petitioner

remained absent without any leave or without any intimation during the year 1999 from January to December. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent or sufficient cause. Petitioner was not able to prove that his absence during the year 1999 was due to sufficient reason. Though he stated that he was absent due to ill-health but he is not able to provide any evidence or proof in support of his illness or treatment for ill-health. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not inform his superiors regarding the same has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 1999 was based on evidence and reasoning and no fault can be found in the finding arrived at by the Enquiry Officer.

11. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 1999 his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No. 1 is decided accordingly.

12. **Point No. 2 :** So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 1999, he has voluntarily admitted before the Enquiry Officer that he remained absent during 1999 and could attend only 33 musters though the Respondent management has stated in the counter statement that Petitioner remained absent during the year 1996 to 1998 also which was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence can not be taken into consideration but the absence in the year 1999 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Petitioner has raised the plea that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

11. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

12. From the above discussion, this tribunal is of the considered opinion that the claim petition is unfounded,

no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this the 2nd day of May, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 5 जुलाई, 2011

का.आ. 2005.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (एलसीआईडी संख्या 76/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आईआर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 5th July, 2011

S.O. 2005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (LCID No. 76/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 5-7-2011.

[No. L-22013/1/2011-IR(C-II)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT AT HYDERABAD

PRESENT : VED PRAKASH GAUR, Presiding Officer

Dated the 2nd day of May, 2011

Industrial Dispute L. C. No. 76/2007

Between :

Sri Soppari Kanakaiah,
S/o Raja Narsu,
C/o Sri S. Bhagwanthrao,
Advocate & Notary,
Near Sub-Court, Pedapalli

...Petitioner

AND

1. The Chief General Manager,
M/s. Singareni Collieries Company Ltd.
Godavarikhani Post : R.G.I., Ramagundam.
2. The Managing Director (Admn.),
M/s. Singareni Collieries Company Ltd.,
Post: Kothagudem, Kothagudem, Khammam District.

...Respondents

Appearances:

For the Petitioner : Sri S. Bhagwanthrao, Advocate.
For the Respondent : Sri M.V. Hanumantha Rao,
Advocate.

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri Soppari Kanakaiah, ex-badli filler to set aside the dismissal order dated 22-3-2001 and to reinstate the Petitioner workman with full back wages.

2. It is alleged by the Petitioner that he was appointed as an employee on 21-8-1978. A charge-sheet dated 12-8-1998 was issued alleging that the Petitioner was frequently absented for duties during the year 1997 which amounts to misconduct under company's Standing Order No. 25.25. The Enquiry Officer conducted the enquiry with pre-determined notion. The enquiry was not conducted properly and he was terminated from service on 22-3-2001. Petitioner worked up to 2001, he was not paid any subsistence allowance though enquiry continued for three years. He worked for 22 years in the Respondent organization. Petitioner's case was not reviewed by the medical board of Kothagudem by High Power Committee. Hence, it is prayed that the impugned order be quashed and the Respondent be directed to reinstate the Petitioner with back wages and all consequential benefits.

3. Management has submitted reply alleging therein that Petitioner remained absent for the year 1997 but for 85 musters which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and Others Vs. Ashok Kumar Singh. Petitioner was appointed on 21-8-1978 in Respondent company. He has not put in 190 musters and had put in only 85 musters in the year 1997 which is mandatory for a workman in any calendar year. This prove that the Petitioner was not sincere to his work. Therefore, a charge-sheet was issued to the Petitioner dated 12-8-1998 for his unauthorized absence. He submitted his explanation to the charge sheet which was found unsatisfactory. Petitioner's contention that he was not afforded proper opportunity is incorrect. He was explained

at every stage the contents of enquiry proceedings in Telugu and Petitioner affixed his thumb impression only after getting satisfied. Petitioner did not availed the assistance of co-worker though he was given the opportunity to take the help of a co-worker. Petitioner admitted during enquiry that he remained absent without sanctioned leave. Petitioner did not produce any sickness proof, thus he has failed to produce any documentary evidence before the Enquiry Officer. He had put in 20, 87, 67, 85, 79, 93 and 64 musters during the years 1994, 1995, 1996, 1997, 1998, 1999 and 2000 respectively. He intentionally absented himself without any reason or cause. Such unauthorized absence creates sudden void, at a time is very difficult to fill-up and already planned schedules get suddenly disturbed without prior notice which compelled the Respondent to take severe action against unauthorized absentees. It is further submitted that subsistence allowance is payable only to those employees who are placed under suspension pending enquiry, whereas the Petitioner was not placed under suspension as such, he was not entitled for subsistence allowance. The Petitioner did not substantiate the same with valid documentary evidence. Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him. Hence, the petition be dismissed.

4. Parties were directed to produce evidence in support of their claims. Petitioner has filed copy of representation dated 5-12-2006, xerox copy of enquiry report and enquiry proceeding, xerox copies of prescriptions pertaining to his mine accident happened in the year 1999 and original dismissal order. However, the Respondent has filed copy of charge-sheet, explanation submitted by the Petitioner, notice of enquiry, entire domestic enquiry proceedings, enquiry report, show cause notice issued to him, his explanation against show cause notice and dismissal order.

5. Coming to the point of the legality and validity of domestic enquiry conducted by the management it is pertinent to mention that as the Petitioner has not challenged the legality of the domestic enquiry, case is fixed for arguments under Sec.11A of the Industrial Disputes Act, 1947, Petitioner counsel called absent and heard argument of Respondent.

6. It appears that Petitioner is not interested to proceed with the case as he has not participated at argument stage. However, I have gone through the claim statement, counter statement, documents of the both parties and arguments of the Respondent.

7. It is admitted fact that the Petitioner has put in only 85 musters during the year 1997 for which a charge-sheet dated 12-8-1998 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent due to death of his son which happened in January, 1997. It is also admitted that domestic enquiry was conducted and Petitioner participated in the domestic enquiry. On the basis of the report submitted by

the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. In this case this tribunal has to consider:

- (1) Whether the absence of Petitioner during the year 1997 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not?
- (2) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner?

8. **Point No. 1:** The Petitioner has submitted that he was sick due to which he remained absent during the year 1997 and put in 85 musters during the year 1997. His statement was recorded by the Enquiry Officer, during course of the enquiry he stated that he worked for 85 days and remained absent for rest of days in 1997 due to death of his son but has not been able to provide any single document before the Enquiry Officer to substantiate the same. In his reply dated 22-8-1998 he wrote that his son expired due to which he mentally worried about his son, he could not attend to his duties. As against this, the management has produced Sri Aga Rao, MW1 and Sri D. Sanjeevaiah, Pay Sheet Clerk to prove that Petitioner remained absent without any leave or without any intimation during the year 1997 from January to December. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was not able to prove that his absence during the year 1997 was due to sufficient reason. Though he stated that he was absent due to death of his son but he is not able to provide any evidence or proof. He has not disclosed the actual date of death of his son so that it can be ascertained that for any reasonable time workman was under depression due to shock and mental agony. Even if it is presumed that Petitioner remained absent due to the death of his son why he did not inform his superiors regarding the same has not been explained by the Petitioner. Even his past record also shows his attendance from 1994 to 1997 is 20 musters, 87 musters, 67 musters and 85 musters respectively as such, he failed to put the mandatory musters 190 per year from 1994 onwards, though he was charge-sheeted in the year 1997. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 1997 was proved is based on not only evidence but also on the basis of his own admission during enquiry proceeding and reasoning. No fault can be found in the finding arrived at by the Enquiry Officer.

9. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 1997 his absence was not supported by sufficient evidence and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No.1 is decided accordingly.

10. **Point No.2:** So far as the question of punishment is concerned the Petitioner has not been able to justify his

absence during the year 1997, he has voluntarily admitted before the Enquiry Officer that he remained absent during 1997 and could attend only 85 musters though the Respondent management has stated in the counter statement that Petitioner remained absent during the previous years and he had put in 20 musters, 87 musters, 67 musters and 85 musters from 1994 to 1997 respectively which was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer also. As such, the previous absence can not be taken into consideration but the absence in the year 1997 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. Moreover, Learned Counsel for the Petitioner has not challenged the domestic enquiry conducted before this tribunal which implies enquiry has been validly and legally conducted by following principles of natural justice by the Respondent management. Then, this Tribunal has to see whether the punishment imposed is harsh or disproportionate to the misconduct committed by the Petitioner. In view of the above discussion, as the Petitioner could not substantiate his case with valid documentary evidence neither before the Enquiry Officer nor before this Tribunal, as such, this Tribunal is of the opinion that punishment imposed on the Petitioner is proper and by following principles of natural justice he was dismissed from service. The punishment was proper and interference is not required in this case.

11. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

12. From the above discussion, this tribunal is of the considered opinion that the clam petition is unfounded, no interference is required in this case. Petitioner is not entitled for any relief, petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 2nd day of May, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 जुलाई, 2011

का.आ. 2006.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट (संदर्भ संख्या 17/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2011 को प्राप्त हुआ था।

[सं. एल-12011/13/2002-आईआर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 6th July, 2011

S.O. 2006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.17/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, received by the Central Government on 4-7-2011.

[No. L-12011/13/2002-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 17 of 2002

Parties : Employers in relation to the management of
Reserve Bank of India, Kolkata

AND

Their workman

PRESENT : Mr. Justice Manik Mohan Sarkar, Presiding
Officer

APPEARANCE :

On behalf of the : Mr. A.K. M. Mushtaque, Deputy
Management Law Advisor of the Bank.

On behalf of the : Mr. S. Majumdar, President of
Workmen the sponsoring workmen union.
None for the added workmen
union.

State: West Bengal. Industry: Banking

Dated: 28th June, 2011

AWARD

By Order No. L- 12011/13/2002-IR(B-I) dated 25-7-2002 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Reserve Bank of India in denial/deprivation of stagnation increment and post scale special pay simultaneously/ concurrently to the workmen/employees of Clerical Class-III cadre having qualification(s) of graduation/ CIIB/JAIIB in terms of settlement dated 23rd June, 1995 and also settlement dated 18th August, 2000 is

justified in view of provisions of Dighee Tribunal (CGIT) award dated 1979? If not, what remedy/relief such workman are entitled?”

2. As per the story in the written statement of claim by the workman union, a discriminatory treatment has been meted out to graduate/CAIIB C/C Gr. II in the payment of stagnation increment vis-a vis post scale special pay simultaneously and concurrently on reaching the maximum of the pay scale and the said dispute has been alleged as due to wrongful or faulty provision of the settlement dated 23rd June, 1995 entered into between All India Reserve Bank Employees Association, denying/depriving the financial benefit of stagnation increment. The workman union raised the dispute with the management of the Reserve Bank of India, Kolkata through several letters seeking rectification/correction of the anomalous position and financial loss to the graduate/CAIIB/JAIIB clerical employees. The management of Reserve Bank of India did not rectify the anomalous position and/or financial sufferings of the effected employees as represented by their union, namely, Reserve Bank of India Employees Union, Kolkata. Subsequently, industrial dispute was raised before the Regional Labour Commissioner (Central), Kolkata and on failure of the said conciliation proceeding, the present reference came from the Ministry of Labour, Government of India on reference from the Regional Labour Commissioner. It has further been stated by the workman union that the employees of Class-III category of the management Bank used to travel in an incremental and time-bound scale of pay having one to twentieth stage as mentioned in Section B, Part-I of the settlement dated 23rd June, 1995. There are other provisions in the said settlement governing pay and other service condition of the employees of the Bank, providing additional benefit, financial or otherwise in the shape of advance increment etc. in the incremental pay scale for the workman of Class-III category having hither educational qualification like graduation, CAIIB, CAIB, JAIIB etc. The workman possessing higher qualification gets, as per settlement, after reaching the maximum pay scale, an amount hitherto called post scale special pay for educational qualifications. The pay scale of such workman becomes stagnant after reaching 20th stage of such pay scale and at that time they are entitled to stagnation increment, which is equivalent to an amount of the last increment drawn in the pay scale at an interval of two years subject of maximum of 3 and fourth one after 4 years of drawal of third stagnation increment in terms of the settlement. On reach the maximum in the pay scale an undergraduate Class-III workmen receives first stagnation increment after two years and thereafter at an interval of two years while a graduate Class-III workman receives first stagnation increment after 5 years (one for PA and FPA + 2 years for post scale special pay and two years for stagnation increment). While a graduate and CAIIB part-I worker gets the said benefit after six years and such candidate with graduation and CAIIB Part-II gets the same after eight

years. An employee who acquires higher qualification viz. graduation/CAIIB, after reaching maximum of incremental pay, the stagnation increment which would have been available to him earlier are being further lingered and the graduate and CAIIB certificate holders receives post scale special pay in the mean time before receiving stagnation increment and so these workmen are receiving stagnation increment at a later date than their junior undergraduate colleagues and consequently these workmen suffered/suffers monetary loss compared to undergraduate Class-III workmen who reached the top of the scale later or at the same time for a long period: The management of the Reserve Bank of India and All India Reserve Bank Employees Association who participated in the settlement dated 23-6-1995 admitted the anomalous position created and developed the between the workmen arising out of the existing provision in the settlement, in their various communication. Management Bank being well aware of the anomalous position in such settlement, dealt with the said issue in subsequent wage settlement dated 18th August, 2000 by adding a note as follows:

“The issue relating to grant of stagnation increment and post scale special pay for education qualification concurrently, for employee in Gr. A will be examined in due course in consultation with the Association.”

The management Bank in their communication to ALC dated 1st December, 2000 stated that when pay anomaly arises in between graduates and undergraduates pay protection is granted and for getting the said benefit, effected workmen were required to apply to the Bank seeking such protection. The intention of the management Bank about protection from such inherent anomalous position between the graduates and undergraduates by way of personal demand, has been claimed to be totally misconceived and unjustified. It is claimed by the workmen that the standing instruction, if any, to that effect is unjustified, untenable and must be removed in the settlement itself for the sake of natural justice and also claimed that in view of Justice Dighe Tribunal Award the real benefit for higher qualification should continue and mere pay protection does not confirm the verdict of Justice Dighe. At the end the workmen union has prayed for an Award directing the management of the Reserve Bank of India to pay post scale special pay for educational qualification(s) and the stagnation increment to the clerical, Class-III workmen simultaneously and concurrently on reaching the maximum of pay scale and also to remove anomaly in the settlement dated 23rd June, 1995 and 18th August, 2000 in the matter of granting (i) post scale special pay for educational qualification for Clerical Class-III cadre of Group “A” having qualification(s) of Graduation/CAIIB/JAIIB on reaching the maximum in the payscale and (ii) the stagnation increment on reaching the maximum of the payscale simultaneously/concurrently to end discrimination/denial/deprivation of due financial benefits. They, have also prayed for an Award with the direction upon the management Bank to pay after rectification of the anomalies, the arrears

of the amount they are entitled to.

3. One added party being Reserve Bank Sangrami Karmachari Manch (Class-III) also filed a written statement of claim which reproduces the statements made in the written statement of claim of the sponsoring employees union being Reserve Bank Employees Union and since the same utterances are there in the corresponding paragraphs in this statement I do not find any reason to repeat the same again.

4. The management of Reserve Bank of India filed written statements in response to the statement of claims filed by the Reserve Bank of India Employees Union (R.B.I.E.U.) and Reserve Bank Sangrami Karmachari (Class III) Mancha (R.B.S.K.M.). It is stated that in course of discharge of its duties, the Bank employs various classes of employees such as Class-I (Officers), Class-II (Private Secretaries etc. now designated as Class-I), Class-III (Clerks, Stenos, Typists etc.) and Class-IV (Subordinate staff such as Peons, Khitmatgars, Drivers, Electrician-cum-Wiremen etc.) and the service condition of staff employed are governed by the Reserve Bank (Staff) Regulation, 1948 and instructions issued by the Bank from time to time. It is further stated that in addition thereto, staff in Class-III and IV are also governed by the Award/Settlement/Agreements entered into between the Bank and the representative unions at different points of time. The workmen union R.B.E.U. and R.B.S.K.M. are not recognized unions and the All India Reserve Bank Employees Association (A.I.R.B.E.A.) which has membership of over 85% of Class-III employees of the Bank as on 31st March, 2000 is the recognized union with whom the Bank negotiates and enter into memorandum of settlements from time as and when wage revision becomes due. The management totally denied the contents of the statements of claims filed by the R.B.E.U. and R.B.S.K.M. since they were farfetched without any basis. In respect of Dighe Tribunal Award it has been submitted by the management Bank that it was by way noting provision of the settlement dated 28th September, 1979 with regard to the grant of stagnation increment and the said did not made any suggestion for any change whatsoever in the provision of Part-II of the said settlement dated 28-9-1979. It has been further stated that the Bank has been enjoying a comparatively better and peaceful industrial relation and as a reason thereof, it is the policy of the Bank to scrupulously follow the Terms of Understanding reached in 1966 and also adherence to the Code of Discipline. It is stated that R.B.S.K.M. has no representative character and also it cannot be permitted to be a party in the proceeding and it was not also a party in the conciliation proceeding and so their written statement of claim should be dismissed.

5. It has further been stated here that payment of stagnation increment was first introduced in the year 1979 in terms of bipartite settlement dated 28th September, 1979 with A.I.R.B.E.A. being representative of overwhelming majority of Class-III employees. Management Bank

entered into wage settlement with A.I.R.B.E.A. on 28th September, 1979 and in subsequent settlements of 1984, 1989, 1995 and 2000 and the stagnation increments are admissible to Class-III employees in Group-A on completion of a specified period of service after reaching the maximum of pay scale and also drawal of post-scale special pay, if any to the extent admissible and so, while undergraduates draw their first stagnation increment after two years of reaching maximum of the pay scale, the graduates/CAIB draw the stagnation increment after drawal of all the installments of post-scale special pay. So, it cannot by any stretch be regarded as denial or deprivation of financial benefit of stagnation increment simultaneously/concurrently on reaching the maximum of the pay scale and by doing so, there is no contravention of the direction given in the Justice Dighe Tribunal Award and there is no discrimination between the undergraduates and the graduates/CAIB as alleged by the R.B.E.U. and R.B.S.K.M. It is basically governed by different pre-condition viz. drawal of post-scale special pay for academic qualifications and the said rule is not applicable to the undergraduates and so comparison between the graduates and undergraduates is not justified as reasonable classification exists in their qualifications. It is further submitted by the management that difference in pay that might have been arisen between graduates and undergraduates normally exists for a very short period and the pay protection is granted to the higher qualified employees, if they are senior to the employees with whom their pay is compared. It is claimed by the management Bank that the settlement dated 23rd June, 1995 between the management of R.B.I. and the recognized union, A.I.R.B.E.A. has been implemented in full in respect of the Class-III employees of the Bank including the members of the R.B.E.U. and R.B.S.K.M. In other words, while the undergraduate would draw first stagnation increment five years after reaching the maximum of scale as they do not get post-scale special pay for educational qualifications, graduate/CAIB would draw post-scale special pay in the initial year after reaching the maximum of scale and draw stagnation increment thereafter and so the issue is directly linked with the classifications of educational Qualifications possessed by Class-III employees at the time of entering into Bank's service or thereafter and it cannot be treated as discriminatory treatment by the management for any reason whatsoever. It is alleged that instances quoted by the workmen unrecognized unions are the cases relating to undergraduates who joined the Bank prior to the introduction of stagnation increment scheme. It is further stated that in the later years waiting period for grant of stagnation increment was progressively reduced and as of today it stands at two years, however, as the graduates/CAIBs get to draw stagnation increment only after post-scale special pay, there have been instances where certain employees draw less pay than their lesser qualified juniors as the quantum of post-scale of pay at Rs.175 per installment are less than quantum of stagnation increment i.e. Rs.475 and in that case they are invariably granted

personal pay to enable those employees to draw at least as much as the concerned junior gets. It is further submitted that when a senior employee represents his case, the management of the Bank takes adequate steps to enable the senior employee to draw at least as much as the concerned junior employee when other conditions are the same and so no differential treatment is given by the management of the Bank as alleged. It is further claimed that the Bank has not refused any pay Protection case whenever any discrepancy in pay has arisen between graduates and undergraduates class-III employees.

6. It has further been claimed that there is no faulty or retrograde system following the settlement dated 23rd June, 1995 and carried through 18th August, 2000 and the system never intended to deprive higher qualified staff from having financial growth and also not aimed at affecting the status or position of an employee having higher qualification and the system is neither unlawful nor unjust. Finally, the management has submitted that there is no violation of the principle of equity and justice and the existing system of payment of stagnation increment is introduced after deliberation with A.I.R.B.E.A. and it is claimed that the management Bank has not denied the provision in the settlement of 18-08-2000 on wages and other service condition nor they have denied the benefit to any person who seeks pay protection and the management Bank has prayed for upholding the practice followed by the Bank in extending the pay protection to the employees who represents to the Bank and that the action of the management is proper and justified and also prayed for upholding classification of, undergraduates and graduates as reasonable, just and proper.

7. Sponsoring union and the added union, stated nothing new in their respective rejoinders but rather have confronted to the para-wise statement of the management Bank by way of denial and have repeated the story made in their respective written statements of claims.

8. Before discussing the main issue involved in this reference it is to be noticed that the two contesting workmen unions are unrecognized workmen union under the Reserve Bank of India though the members of the said two unions are employees under the management Bank. It is also a case of both the parties that the bipartite settlements, entered into from time to time, in a periodical way offers the guidelines about different service conditions including pay, allowances, leave, medical allowance etc. to be enjoyed by the employees of the Reserve Bank of India, specially Group-A employees and those are settled in different settlements from time to time on the agreed terms and conditions arrived at in between the management of R.B.I. on one side and its recognized workmen union on the other. In the present reference, such settlements are found to have been entered into between the management of the Bank and All India Reserve Bank Employees Association which claimed to represent most numbers of the employees in the above category under the R.B.I.

9. In the present reference, the two workmen unions/associations which have come to confront some provisions of the bipartite settlement, are stated to be unrecognized workmen unions/associations under the R.B.I. and consequently they were not participants in the said bipartite settlement which have a term that the settlement arrived at became applicable to all the employees in Group-A under the Bank from the date of effect in each settlement and that includes the employees whatever small number may be of the present sponsoring union and added workmen union/association.

10. The issue involved in the present reference is that whether the action of the management in denial of deprivation of stagnation increment and post-scale special pay simultaneously and concurrently to the workmen/employees of Clerical Class-III Cadre having qualification of graduation/CAIIB/JAIIB in terms of the settlement dated 23rd June, 1995 and also settlement dated 18th August, 2000 is justified in view of the provisions of Dighe Tribunal Award dated 1979.

11. Admittedly, Reserve Bank Employees Union, the sponsoring union and Reserve Bank Sangrami Karmachari (Class-III) Mancha, the added party union are two minor unions in the Reserve Bank of India, since All India Reserve Bank Employees Association is the major union covering most of the employees of the Reserve Bank of India of Class-III category, approximately 85% of them as claimed. It is also admitted that A.I.R.B.E.A. is a recognized union by the management of Reserve Bank of India while the present two unions are not recognized by it.

12. In such event, the management of Reserve Bank of India started by questioning locus standi of these two unions to raise any industrial dispute concerning the management Bank or one like the present matter. It is submitted that the definition, of industrial dispute as defined in Section 2(k) of the Industrial Disputes Act, 1947 does not match with the present two unions as these are not being espoused by a substantial number of workmen in Class-III under the R.B.I. In this context, the management side relied upon a decision reported in AIR 1975 SC 531/ (1975) 4 S.C.C. 838 [State of Punjab v. Gandhara Transport Co. (P) Ltd. & Ors.]. In this decision it has been held by the Hon'ble Apex Court that

“8. It is no doubt true that on a superficial reading of the above decision, it can be stated that an espousal by five out of twenty-two workmen will amount to a sponsoring of a dispute by an appreciable body of the workmen of an employer. We will assume that the said decision lays down such a proposition. Even applying the ratio of the said decision to the case on hand, the proportion is very low, being five to sixty. That means only 1/12th of the employees in the establishment of the management has espoused the cause of the dismissed workmen. Such an espousal, in our opinion, cannot be considered to be by an appreciable or substantial body of workmen so as to constitute the dispute an industrial dispute.”

Basing upon this decision, the management has claimed that since the present two unions are representing a very few number of members, they cannot raise any industrial dispute of any nature including the present one and thus the reference was bad and it cannot be maintained in the eye of law.

13. In this context, the workmen side has stated that even though representing a small number of employees in comparison to the All India Reserve Bank Employees association, the present unions can very much raise an industrial dispute of the present nature, if these unions find that their members are deprived of their legitimate claim being ignored by the management Bank.

14. I appreciate the version of the management that the two unions sponsoring the present reference (though the later union is doing the same in the capacity of an added party) are representing small number of employees of the Reserve Bank of India in Class-III, but I cannot accept the version of the management that being a minor group they cannot raise a dispute though there is sufficient scope left in the present reference to appreciate whether such unions representing a very small number of employees can maintain such dispute as a proper claim. In this context, a reference may be made to the definition of industrial dispute as defined in Section 2(k) of the Industrial Disputes Act, 1947. There it has been stated that an industrial dispute is meaning any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. So, the definition does not restrict raising of any industrial dispute by anybody which represent a small number of workmen and it can be maintained in such definition. But raising of industrial dispute does not mean that the body which raises such dispute can have the legitimate claim for a relief in its favour. It can be assessed on the basis of the issue by way of discussion.

15. In consideration of the merit in the claim of the workmen unions, it is found that the workmen union side has claimed that they want implementation of the direction given in the Award of Justice Dighe Tribunal in 1979 in respect of stagnation increment since the bipartite settlement arrived at in the year 1995 and 2000 and subsequently in 2005, left some anomalies which have caused creation of some discrimination and deprivation of many Bank employees in Class-III and in most of the cases it is found that the juniors are more financially benefited than the senior staff. The claimant unions repeatedly submitted that these unions never disputed, contradicted, contested, challenged or demanded any rectification in the Award of the Justice Dighe Tribunal, but rather have prayed for following the direction given in the said Award and to implement the same in respect of release of stagnation increment and post-scale special pay to the employees on reaching the top of the scale simultaneously and concurrently and alleged that the

management of the Reserve Bank of India is not following the said direction by implementing the Award.

16. Before entering into the merit of such claim, a glimpse of the provisions made in the Justice Dighe's Award is needed to be done to find out whether any direction has been given by Justice Dighe in the said Award upon the management Bank. Justice Dighe in his Award discussed about the stagnation increment in Section 3 in respect of 'other benefits and emoluments' and therein in paragraph 7.3.1 the provisions made in respect of stagnation increment and special pay have been discussed in view of the settlement in the year 1970, followed through further improvement by the settlement dated 12th March, 1980. Therein every aspect in respect of provisions made on the stagnation increment and other benefits to different employees in Group I have been discussed and also discussed about the objection taken on behalf of the Organisation. Justice Dighe concluded on this special pay stating that :

"Although, having regard to the peculiar situation, stagnation increments have been introduced, there is no likelihood of many getting stagnated. At any rate, nothing has been shown to me to illustrate that there would be large-scale stagnation and hence the force of the objection cannot be appreciated. Inadequacy of the grant is an argument which cannot be appreciated. I am not convinced that granting one increment or two increments is irrational or unsatisfactory. The concept of honorarium for educational qualifications does not appear to be misleading, nor does it appear that because two increments are given for graduation, a qualified pharmacist should also get two increments. Looking cumulatively, therefore, the wage structure, including the fitment formula the stagnation increments and other emoluments, stand very high in comparison with the commercial banks. That itself is a good criterion for judging whether the settlement is beneficial to the employees of the Reserve Bank. Therefore, the settlement regarding pay scale etc. certainly appears to be advantageous and there should be no difficulty in passing an Award in term of them in respect of all the employees."

We need not to go through and discuss other portions of the Award to assess what Justice Dighe stated about other provisions in the settlement since the present reference is concerned with the provisions made for the stagnation increment and special pay, or rather post-scale special pay. In the concluding portion of Justice Dighe Award, the said Tribunal of Justice Dighe approved the entire settlement and it was adopted in the said Award and was made binding on all the employees of the Reserve Bank of India with the exceptions indicated therein and in the said indication the Award referred to the modification by the supplement agreement. So, it is found that Justice Dighe only endorsed the terms of the settlement by way of approval of the same in the Award and has not suggested

anything by way of interference in any of the terms of the settlement. In other words, the provisions of Dighe Tribunal Award of 1979 is nothing but the approval of the settlement arrived at in between the management of Reserve Bank of India and the recognized workmen union of the Bank which was done periodically till before the reference in which the said Award was passed by the Dighe Tribunal.

17. Since after the said bipartite settlement, periodically several other settlements were arrived at in between the above referred parties from time to time, as and when the revision of the provisions of the settlement was required as to the necessity prevailing at different point of time in respect of pay, allowances and other service conditions of the employees of the said management Bank.

18. Stagnation increment which was introduced by the settlement of 1970 went through in different settlements by providing different types of conditions. In the present reference we are concerned with the settlement of 1995 being dated 23rd June, 1995 and the settlement dated 18th August, 2000. In the settlement of 1995 in Part-III provision for stagnation increment by way of substitution of the terms laid down in the settlement dated 29th August, 1989 had been made and it was provided that all employees of Group A shall draw three stagnation increments which equivalent to last increment in the scale of pay for every three completed years of service after reaching the maximum of scale and drawal of post-scale special pay; if any to the extent admissible. It was also provided that they shall draw fourth stagnation increment equivalent to last increment in the scale of pay on completion of four years after earning third stagnation increment or 1st of November, 1994 whichever is later. The settlement of 2000 (dated 18th August, 2000 provided the stagnation increment again in Part-III thereto and therein further substitution was made of the terms laid down in the settlement dated 23rd June, 1995 and therein the employees in Group A was allowed to draw four stagnation increments each equivalent to last increment in the scale of pay for every two completed years of service after reaching maximum of the incremental scale of pay and drawal of post-scale special pay, if any to the extent admissible. The employees were provided with fifth stagnation increment on completion of three years of service after earning the fourth stagnation increment. The provision of 1995 settlement was made applicable on and from 1st November, 1992 whereas the settlement dated 28th August, 2000 was made applicable on and from 1st November, 1997.

19. The main grievance of the sponsoring workmen union and the added workmen union in the present reference was to make the stagnation increment and post-scale special pay to be drawn as concurrently and simultaneously which were not made available in those two settlements. But, according to the management the provision of the settlements of the year 2005 removed that disparity also and grant of stagnation increment in the said settlement for the employees in Group A was made available concurrently with the period available with grant

of post-scale special pay for educational qualification. The management has stated that since the disparity has been removed by the said settlement of 2005, the workmen unions in the present reference have got practically, no dispute at all to be raised.

20. In this context, the authorized representative of the workmen union submitted that they are happy that the settlement of 2005 has provided for stagnation increment and post-scale special pay have been made concurrently and simultaneously but the benefit of the said provisions are not available to the employees of the said union since the disparity among the employees with higher qualification being graduates and otherwise are drawing less emoluments than the undergraduates who are given with better benefits in the financial point of view by way of such stagnation increment. It is the claim of these two workmen unions that the provision of the settlement may be provided with retrospective effect from 1-11-1992 to several deprived employees of the Bank of such pay and emoluments disparity.

21. In this context, I find that the sponsoring union and the added union of the present reference have made a wrong in the basic concept of the settlement since a bipartite settlement is arrived at by way of discussion of different issues involved in the pay, emoluments and service condition of the employees of the Bank represented by the recognized union with the management of the Reserve Bank of India and the said settlement is arrived at through discussions and coming to some agreeing terms by both the parties. In other words, the said provisions of the bipartite settlement is a product of agreeing to the terms and conditions by both the parties sitting together to settle different issues involving the employees of the Bank. The nature of the settlement is such that if any interference is to be done to the terms and conditions of the said settlement, the parties participating in the said settlement can only do and undo those terms and conditions and no third party can interfere to dictate what to be the changed terms and conditions in the provisions of the said bipartite settlement. A Court or Tribunal can at best direct the implementation of the terms of the said settlement if any of the parties raises an issue before such Court or Tribunal about the non-implementation of the terms and conditions of the settlement. If any change or improvement is needed in the terms of settlement, then a proposal is to be made by either of the parties to the either sides of the said settlement and if either sides agree to the said proposal, they can sit together and remove the anomalies and shortcomings in the previous settlement. Perhaps this is the reason for which periodical sittings have been done in the past through different bipartite settlements in between the employees association and the management of the Bank on different dates and in settlement gradual improvement has been done by way of removing anomalies, if any, found in the previous settlement.

22. In this context, a reference may be given to the decision reported in (2005) 5 S.C.C. 337 (Viveka Nand Shety v. Chairman J & K Bank Ltd.) wherein the Hon'ble Apex Court has held.

"The fact that there exists a bipartite settlement entered into by and between the Banks and their workmen is not in dispute. The workman was all along aware about the said legal position in as-much-as, at all stages viz. issuance of notice and memorandum, passing of the order of termination, the said settlement had been referred to. The only defence which came to be raised by the workman was non-applicability of the bipartite settlement. What fell for consideration before the Industrial Tribunal was interpretation and/or applicability of the said settlement. The Industrial Tribunal committed an error of record in so far as it proceeded on the basis that the said settlement had not been proved. The settlement being an admitted document should have been considered in its proper perspective by the Industrial Tribunal."

So, following the said decision it can be safely stated that having knowledge about the terms and conditions in the bipartite settlement, any person coming within the purview of such settlement cannot raise any dispute to challenge the provisions made in the said settlement. Persons who represented the workmen side in the said bipartite settlement talk, represented the aggrieved persons also and if any such grievance comes in the mind of such small number of persons, they should ventilate before the participant of the settlement and not before any other forum praying for any direction to modify the terms and conditions of such settlement.

23. In the present context, the present two workmen unions though unrecognized may propose about their grievance to the principal employees association recognized by the Reserve Bank of India and to force the management of the Bank to sit again for removal of the said anomaly in further bipartite settlement. This Tribunal cannot interfere by asking the parties in the bipartite settlement to come to the term that the provisions made in the bipartite settlement of 2005 should be made retrospective from 01-11-1992 for the benefit of some of the employees who have raised their grievance through the present reference since most of the employees of the Bank other than the members of the present two workmen unions have not raised such voice that they are facing deprivation and disparity by the provision of the bipartite settlement of 2005.

24. In this context, a reference may be made to the decision already discussed earlier as per reference from the management side reported in AIR 1975 SC 531 : (1975) 4 S.C.C. 838 wherein the Hon'ble Court held that such an espousal of a few workmen among the many cannot be considered to be by an appreciable or substantial body of

workmen so as to constitute the dispute as an industrial dispute.

25. Further, it is found from the oral evidence given by three witnesses on behalf of the workmen unions in the present reference that the three witnesses, who are the employees of the Reserve Bank of India have expressed their personal discrimination individually in comparison with a particular employee junior to each of them and no specific statement has been made by any of the three witnesses to show that a major portion of the employees faced discrimination and deprivation in comparison to the junior employees of the Bank. An individual case cannot be subject matter in the present type of dispute as referred in the present reference since the bipartite settlement is attended by the recognized workmen union representing most number of the employees of the Reserve Bank of India who take part in the bipartite settlement talk keeping in view of the welfare of all the employees and deprivation of one or two will not be a cause for questioning the provision of bipartite settlement as not applicable or needed to be rectified. Rectification by the Tribunal or Court, perhaps, is out of question since the bipartite settlement is a product of agreeing to the terms in between the parties participating in the said settlement.

26. So, in view of all the discussions made above, I do not find any reason to hold that the action of the management was not in the style of denial or deprivation in stagnation increment and post-scale special pay to the workman or employees of the clerical Class-III having qualifications of graduation/CIIB/JAIIB in terms of settlement dated 23rd June, 1995 and also settlement dated 18th August, 2000 and also it cannot be stated unjustified in view of the provisions of the Dighe Tribunal Award dated 1979 since the said Award has already been discussed in the previous paragraphs. So, the workmen in the present reference are not entitled to any relief as prayed for.

An Award is passed accordingly.

Dated, Kolkata, the 28th June, 2011.

JUSTIC MANIK MOHAN SARKAR, Presiding Officer

नई दिल्ली, 6 जुलाई, 2011

का.आ. 2007.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/ एनजीपी/ एपीएल 04/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आईआर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th July, 2011

S.O. 2007.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (CGIT/NGP/Apl.

04/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of WCL and their workmen, which was received by the Central Government on 6-7-2011.

[No. L-22013/1/2011-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

No. 5/CGIT/NGP/Apl. 04/2007

Advocates for the parties are present hearing heard arguments in full from both the sides.

Call on 8-4-2011 for orders.

Petitioner/ Party No. 1 : The Secretary,
Lalzenda Coal Mines Mazdoor Union (CITU), Rajur Sub Area of WCL, Tehsil Wani, Distt. Yavatmal.

Versus

Respondent/ Party No. 2 : The Sub Area Manager,
Rajur Sub Area of WCL, P.O. Rajur, Tehsil Wani, Distt. Yavatmal

ORDER

This is an application, filed by the Secretary, Lalzenda Coal Mines Mazdoor Union (CITU), Yavatmal ("the union" in short) on behalf of the workman, Sharifuddin Bakruddin and 18 others, ("workman" in short) for restoration of reference No. CGIT/NGP/78/2004 to file by setting aside the award dt. 11-12-2006.

2. The case of the union is that it is a registered union under the Trade Union Act and is recognised by the Party No. 2 and the union had raised the dispute in respect of denying group wages and allowances to the 19 workmen and as the matter could not be settled before the conciliation officer, a failure report was submitted to the Central Government by the Assistant Labour Commissioner, Chandrapur and by order dt. 17-8-2004 of the Central Government, it was intimated to the union that the matter had been referred to the CGIT-cum-Labour Court, Nagpur and on receipt of the said intimation, the union approached the office of the CGIT-cum-Labour Court, Nagpur, but it was intimated that after receipt of the order from New Delhi, the matter will be registered and the union will be informed about date of appearance and filing of statement of claim and as even after lapse of sufficient time, no notice was received from the Office of the CGIT, Nagpur, the union in the month of Januray-February, 2006, approached the staff of the Court, but was informed that as no Presiding Officer has been posted, notice could not be issued and after appointment of the Presiding Officer, notice will be issued, but no notice was received by the Union till March, 2007. It is the further case of the union that it was obligatory on the part of the office to send notice to the parties to remain present on a particular date and due to non-posting of the

Presiding Officer, no notice was sent to it and in March, 2007, surprisingly it received a registered envelope containing the award dt. 11-12-2006 and after going through the award, the union came to know that the reference is answered in the negative and the reference was decided without service of notice and without giving an opportunity to the parties to represent their respective case before the Tribunal and in the award also nothing has been mentioned about the service of the notice on the union and the union is prosecuting the case of 19 workmen having very good case on merit and irreparable loss will be caused to the workmen if the reference is not restored to file.

3. The claim of the union has been resisted by the management of the WCL by filing the objection and pleading inter-alia that the union has admitted that the order of the Central Government regarding making reference of the Industrial Dispute to the CGIT-cum-Labour Court, Nagpur was received by it and the Tribunal issued notice to the Parties fixing the reference to 23-9-2005 for hearing and the case came up for hearing on 11-12-2006 and in spite of lapse of more than two years, the union neither staked its claim nor filed its statement of claim before the Tribunal, as a result of which, on 11-12-2006, the award was passed and the reference was dismissed for default of the union and the Tribunal sent the Award to the Central Government to take further step in accordance with law and rules and is learnt that the Central Government on receipt of the award has published the same in Government Gazette within one month as required under Section 17(1) of the Industrial Disputes Act, 1947 ("the Act" in short) and as such, the present application which was filed on 13-4-2007 is not tenable. It is further pleaded by the management of WCL that in reference case No. CGIT/NGP/78/2004, notices were issued by the Tribunal on 23-9-2005 to all the parties and it was necessary and obligatory on the part of the union to submit its statement of claim within 15 days from the date of receipt of the reference from the Central Government, as per Rule 10(B) of the Industrial Disputes (Central) Rules, 1957 and such direction was also given by the Central Government in the reference dt. 17-8-2004 and admittedly, the union received the order of the Central Government dt. 17-8-2004 but failed to file the statement of claim, not only within 15 days, but also more than 15 months i.e. till the award came to be passed and therefore, the Tribunal has rightly dismissed the reference and the reference in case No. CGIT/NGP/78/2004 cannot be restored to file.

4. One, Shri Vasant Laxman Patil has been examined as a witness on behalf of the union. Shri Vasant Laxman Patil has claimed himself as the Secretary of the union. He has reiterated the stands taken by the union in the petition filed for restoration of case No. 787/2004 to file, in his examination-in-chief, which is on affidavit. In his cross-examination, this witness has admitted that he had received the copy of the reference from the Central Govt. and he had gone through the same and in that letter it was directed to appear and submit the statement of claim within 15 days and he was told that as the Court was vacant, it was not

possible to file the statement of claim and his address was correctly mentioned in the reference made by the government. He has further admitted that he does not know the name of the person, who told him to come after posting of the Presiding Officer.

No evidence has been adduced by the management of the WCL.

5. At the time of argument, it was submitted by the learned advocate for the union that no notice was served on the union regarding registration of the reference by the Tribunal and to appear and to file written statement and only after receipt of the award, the union came to know about passing of the award by the tribunal on 11-12-2006 and the union was prevented by sufficient cause for non-appearance and if the reference will not be restored to file, the 19 workmen will suffer irreparable loss and they have a very good case. It was also submitted that for setting aside the ex-parte award application is to be filed before expiry of 30 days from the date of its publication and in this case, the petition has been filed within time and sufficient cause has been shown for non-appearance of the union before the Tribunal, so, it is necessary to set aside the ex-parte award and to restore case No. 78/2005 to file. In support of such contentions, the learned advocate for the union placed reliance on the decisions reported in 2004-III CLR 776 (SC) (Sangham Tape Company Vs Hansaraj and 2009 (122) FLR 370 (M. P. High Court-Indore Bench) (Kalpana Industries, Indore Vs Kalpana Industries Seva Ayukta Shramik Gan, Indore).

6. On the other hand, it was submitted by the learned advocate for the WCL that in this case, the applicant has admitted about receipt of the letter from the Central Government dt. 17-8-2004, regarding the Central Government making reference of the industrial dispute to the Tribunal for adjudication with a direction to file the statement of claim and documents within 15 days of the receipt of the notice, but the union failed to file the statement of claim till 11-12-2006 and it is also found from the record that the Tribunal issued notice to the parties after registration of the reference on 6-7-2005, fixing the case to 23-9-2005 for filing of statement of claim and documents, but the union did not file the statement of claim and the evidence of the witness examined on the behalf of the union is not trustworthy, as he has failed to say the name of the person, who informed him about the non-posting of the Presiding Officer and no sufficient cause has been shown by the union for remaining absent and not filing the statement of claim. It was also submitted that there is no dispute that the Tribunal can exercise the power for restoration of the reference by setting aside and ex-parte award, within 30 days from the date of publication of the award and once an award becomes enforceable in terms of Section 17(A) of the Act, the Labour Court or the Tribunal as the case may be does not retain any jurisdiction in relation to setting aside an award passed by it, but in this case, no evidence has been adduced by the union to show that the application was filed before expiry of 30 days from the date of

publication of the award in Official Gazette and such a plea has been not taken in the application filed for setting aside the award and the burden of proof that the application has been filed within 30 days from the date of publication of the award in the Gazette is on the union, but the union has failed to discharge the burden and from the notification issued by the Government, it can be found that such notification was made on 26-12-2006 and it was ordered that the notification be published in Official Gazette not later than 20-1-2007 and as such, it can be presumed that there was notification of the award in the Official Gazette by 20-1-2007 and the application was filed by the union on 13-4-2007, which was beyond 30 days of 20-1-2007 and as such, the Tribunal has no jurisdiction to set aside the award passed in case No. 78/2004.

7. The Hon'ble Apex Court in the decision reported in 2004 III CLR - 776 (supra) have held that :—

"In view of this Court's decision in Grindlays Bank, such jurisdiction could be exercised by the Labour Court within a limited time frame, namely, within 30 days from the date of publication of the award. Once an award become enforceable in term of section 17 (A) of the Act, the Labour Court or the Tribunal as the case may be, does not retain any jurisdiction in relation to setting aside of an award passed by it. In other words, upon the expiry of 30 days from the date of publication of the award in the Gazette the same having become enforceable, the Labour Court would become functus officio".

In the decision reported 2009 (122) FLR—370 (supra), the Hon'ble Court have held that.

"Industrial Disputes Act, 1947 - Section 17(A)—Ex-parte award—Setting aside of—Application for to the filed before expiry of 30 days after publication of award—Ex-parte award cannot be set aside—If application made after 30 days".

It is clear from the principles enunciated by the Hon'ble Apex Court and the Hon'ble Court in the decisions as mentioned above that to set aside an ex-parte award passed by the Tribunal or Labour Court as the case may be, the application has to be filed within 30 days from the date of publication of the award in the gazette.

8. Admittedly, in this case there was notification of the award by the Central Government, in pursuance of section 17 of the Act on 26-12-2006 and it was ordered that the notification be published in the Official Gazette of India not later than 20-1-2007. The burden of proving that the application to set aside the ex-parte award was filed within 30 days from the date of the publication of the award is on the union, as the union has filed the petition for setting aside the ex-parte award. The union in its application has not pleaded as to when the notification was published in the Official Gazette. No evidence has also been adduced by the parties as to when the notification was published in the official gazette. However, it is found from the notification issued by the Government

that the notification was to be published in the Gazette not later than 20-1-2007. From the said notification, it can be presumed that there must be publication of the notification in the Official Gazette at least by 20-1-2007. The petition for setting aside ex-parte award was filed by the union on 13-4-2007, as found from the application itself, which was beyond 30 days from the date of publication of the award and as such, it is held that this Tribunal is not empowered to set aside the ex-parte award passed in 11-12-2006 in reference case No. 78/2004.

9. Moreover, it is found from the materials on record that the union had received the notice issued by the Central Government on 17-8-2004 for filing statement of claim. There is no reliable evidence on record that the union was informed by the office of the Tribunal that notices would be issued after registration of the reference and after joining of the Presiding Officer. Rather the record shows that after registration of the reference on 6-7-2005, order was passed to issue notice to the parties, posting the case to 23-9-2005 for filing the statement of claim and documents. Hence, the union has failed to show sufficient cause for non-appearance in the reference No. 78/2004 on 11-12-2006, the date on which the award was passed ex-parte.

10. In view of the discussions and reasons mentioned above, the application filed by the union for restoration of reference case no. 78/2004 to file, by setting aside the award in rejected.

Send a copy of this order to the Central Government for information and necessary action.

J. P. CHAND, Presiding Officer

नई दिल्ली, 7 जुलाई, 2011

का.आ. 2008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. सीजीआईटी/एनजीपी/57/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-2011 को प्राप्त हुआ था।

[सं. एल-40012/176/1990-आईआर (डी यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 7th July, 2011

S.O. 2008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. CGIT/NGP/57/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecommunication, Nagpur and their workmen, which was received by the Central Government on 7-7-2011.

[No. L-40012/176/1990-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/57/2003****Date: 28-6-2011**

Party No. 1 : The General Manager,
Telecommunication,
Railway Electrification Project,
300-B, Hennessey Road, Civil Lines,
Nagpur-440 001.

Versus

Party No. 2 : Shri Damodar Wasudeo Ghayar,
At: Ajgaon, Post: Shankarpur,
Teh: Chimur, Distt. Chandrapur.

AWARD**(Dated: 28th June, 2011)**

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Telecommunication, Nagpur and their workman, Shri Damodar Wasudeo Ghayar for adjudication to Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as per letter No. L-40012/176/90-IR(DU) dated 14-6-1991, with the following schedule:—

"Whether the action of the management of Telecommunication, Nagpur in terminating the services of Shri Damodar Wasudeo Ghayar is justified? If not, what relief the workman concerned is entitled to?"

Later on the reference has been transferred to this Tribunal for adjudication, according to law.

2. Being noticed, the workman, Shri Damodar Wasudeo Ghayar ("the workman" in short) filed his statement of claim and the management of Telecommunication, Nagpur filed their written statement.

The workman's case as projected in the statement of claim is that he was appointed as a casual mazdoor by party No.1 and worked from 4-11-87 to 31-12-88 continuously without any break and he worked for more than 240 days, the period which was required for regular appointment in service and in spite of his honest and sincere service for 403 days, the party No. 1, terminated his service as per order dated 7-12-88, without following the due procedure of law and neither one month's notice nor one month's wages in lieu of notice nor, retrenchment compensation was paid to him, before termination of his service and the party No. 1 had not published the seniority list before termination of his services and the party No. 1 gave continuous work and appointments to some persons, who were juniors to him in service, in violation of the rule of "last come first go" and Bharat Bhoyar, Rama Bhoyar, Harishchandra Pagode, Subhash Kore, Deoraoji Mitale,

Harishchandra Funde, Wamanrao Humne, Brahmananda Fulzele and Raju Kirnapure, who were juniors to him were retained in service and as such, the termination for his service is illegal and he has not been gainfully employed though he is under obligation to maintain his family. The workman has prayed to set aside the order of termination of his service, to reinstate him in service in the post of the casual mazdoor with continuity and with full back wages and other service benefits and revised pay scale.

3. The party no. 1 in its written statement has pleaded inter-alia that the workman was engaged on daily wages basis in Railway Electrification from 4-11-87 to 7-12-88 and was served with one month's notice for lay off and the actual lay off took place w.e.f. 1-11-89 on account of huge reduction of the quantum of work and up to the layoff, the workman had been engaged for 143 days and 266 days in 1987-88 and 1988-89 respectively and at the beginning of the engagement, the workman was intimated about the nature of the work to be purely temporary in nature and he would not to continue after the work would be over and in case of coming up of any additional work, he would be reemployed as per the seniority list and the workman worked for more than 240 days in the year 1988-89 and the claim of the workman of regular employment is untenable, as no work is left with it and immediately after the lay off, additional work of shifing and dismantling of lines came up and those labourers, who were lay off were reengaged but the workman did not approach for re-engagement and no labourer junior to the workman was re-engaged and the workman was at serial No. 113 in the seniority list and the lay off was according to law and in June, 1990, 78 labourers were retrenched after giving one month's notice and on payment of retrenchment compensation and as such, the workman is not entitled for any relief.

4. The parties were permitted to adduce oral evidence in support of their respective claims. The workman examined himself as a witness in support of his claims. One W.N. Lanjewar, Divisional Engineer (R.E.) was examined as a witness by the party no. 1.

The workman in his examination-in-chief, which is on affidavit has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, he has admitted that he was served with the notice on 7-12-88 under which he was informed that there was a likelihood of lay off and seniority list was maintained by the department and his name might be appearing at serial No. 113 in the seniority list and the persons mentioned in the list were also served with the notice.

The witness for the management has stated that the workman was engaged on casual basis on daily wages in Railway Electrification work from 4-11-87 to 31-12-88 and as the work of the project was nearing completion, lay off notice was issued on 7-12-88 to one and all labourers including the workman and the workman worked for 143 days in 1987-88 and for 266 days in the year 1988-89 and the workman left the work at his own accord before

completion of the project and no junior to the workman had been reengaged and the workman did not turn up demanding any work and as such, there was no question of his re-engagement and as the workman left the work suo-moto, there was no termination and as such, there was no question of compliance of Section 25-F of the Act and the case of the workman is quite different from the case of the other workmen, whose names have been mentioned in the statement of claim and as the workman was engaged on daily wages basis for a project work for a limited period, he has no right to seek reinstatement and as such, he is not entitled for any relief. In his cross-examination, the witness for the party no. 1 has stated that though lay off notice was issued they did not lay off the services of any of the worker and the work continued upto 30-6-90 and thereafter there was retrenchment of the workers, who were on work.

5. At this juncture, it is necessary to mention here that the reference had been closed on 13-7-2009 and posted for award. However, as no award was passed by my predecessor-in-office till his retirement on 6-8-2010, in the interest of justice, the case was reopened by me after my joining as the Presiding Officer, for rehearing of argument on merit. Notices were sent to the parties, in response to which, the workman and his advocate appeared and learned advocate for the workman made oral submission. However, in spite of the notice, party no. 1 did not appear. It is also necessary to mention that both the parties had filed written notes of argument in this case and separate pursis to treat such notes of argument as oral argument.

6. During the course of argument, it was submitted by the learned advocate for the workman that it is the admitted case that the workman worked for 403 days continuously, exceeding 240 days, the period which is required for regular appointment but despite such facts, the party no.1 terminated the services of the workman vide notice dated 7-12-1988, without following the mandatory provisions of law and party no. 1 neither served one month's notice nor paid one month's wages in lieu of the notice or retrenchment compensation and as such, the termination of the service of the workman is illegal and he is entitled for reinstatement in service with continuity and full back wages.

7. In the written notes of argument, it has been mentioned by the party no.1 that the workman was engaged on casual basis from 4-11-87 to 31-12-88 and he had not completed 240 days of continuous service in one calendar year, which has been admitted by the workman in his cross-examination and as such, the workman is not entitled for any relief and the workman left the work at his own accord w.e.f. 1-1-89 before completion of the project and did not turn up demanding any work and as such, the question of re-engagement of the workman did not arise and as there was no termination, as contented by the workman, question of compliance of Sections 25-F and 25-G of the Act does not arise and as the workman was engaged on casual basis for a limited period and for a project, he has no right to claim reinstatement. In support of the contentions, reliance

was placed on the decision reported in 2006 4-SCC-1 (Secretary, State of Karnataka Vs Umadevi) and 2007 (3) Mh. LJ- 882 (Prakash Vs Punjab and Sind Bank).

8. On perusal of the statement of claim, written statement and evidence, both oral and documentary adduced by the parties, it is found that the workman worked for more than 240 days in the year 1988-89, that is to say in the preceding 12 months from the alleged date of termination of service. Hence, I do not find any force in the contention raised by the learned advocate for the party no.1 that the workman did not complete 240 days of continuous service in one calendar year. Hence, the moot question for consideration is as to whether there was termination of service of the workman on 7-12-1988 as claimed by the workman.

According to the claim of the workman, the party no.1 terminated his service vide termination order dated 7-12-88. The so called termination order dated 7-12-88 has been produced by the workman as Annexure-2 alongwith the statement of claim. It is pertinent to mention here that though the workman has mentioned that his services were terminated vide order dated 7-12-88, he has not mentioned the actual date, from which his services were terminated. In the first paragraph of the statement of claim, the workman has mentioned that he worked with party no.1 from 4-11-87 to 31-12-88. According to the own document of the workman (as per Annexure-1), he worked till 31-12-88 with the party no. 1. In his evidence also, the workman has stated that he worked from 4-11-87 to 31-12-88. Moreover, on perusal of Annexure-2, the notice dated 7-12-88, it is found that he same is not notice of termination of service of the workman. Rather, the same is a notice by party no. 1 of a possible lay off due to completion of the on-going project, in which the workman was working. It is also necessary to mention here that in the cross-examination of the witness for the management, it has been brought on record that though notice of the lay off was given, no worker was laid off and the work continued till 30-6-90. So, it is clear from the materials on record that the workman was not terminated from services on 7-12-88 as claimed by him. The evidence of the witness for the party no.1 that "after the lay off, the workman worked up to 31-12-88 and thereafter, he left the work suo-moto and there was no termination" has not at all been challenged in the cross-examination. From the materials on record and the discussions made above, it is clear that the services of the workman were not terminated vide notice dated 7-12-88 as claimed by the workman. Hence, there was no question of compliance of the provisions of sections 25-F and 25-G by the party no.1. Hence the schedule of reference as made by the Government seems to be not correct. Hence, it is ordered :

ORDER

The reference is answered in negative. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

2677 GI/11-17

नई दिल्ली, 7 जुलाई, 2011

का.आ. 2009.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 85/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-2011 को प्राप्त हुआ था।

[सं. एल-40012/121/2005-आई आर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 7th July, 2011

S.O. 2009.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/85/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Ltd., Nagpur and their workmen, which was received by the Central Government on 7-7-2011.

[No. L-40012/121/2005-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/85/2006

Date: 27-6-2011.

Party No. 1

Shri Govardhan Daniprasad Usarbarse,
Plot No. 224-A, Santoshi Nagar,
Pande Layout,
Pipla Road,
Nagpur-34.

Versus

Party No. 2

The Director of Maintenance,
Western Telecom Region,
BSNL, Staff Amenity Building,
CTO Compound,
Nagpur.

AWARD

(Dated: 27th June, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial

dispute between the employers, in relation to the management of BSNL and their workman, Shri Govardhan D. Usarbarse for adjudication, as per letter No.L-40012/121/2005-IR(DU) dated 1-11-2006, with the following schedule :

SCHEDULE

"Whether the action of the Director of Maintenance, Western Telecom Region, BSNL, Nagpur in terminating the services of their workman Shri Govardhan D. Usarbarse w.e.f. 2-5-99 is legal and justified? If not, to what relief the workman is entitled to?"

2. On receipt of the reference, notices were issued to the parties to file their respective statement of claim and written statement, in response to which, the workman, Shri Govardhan Daniprasad Usarbarse ("the workman" in short) filed his statement of claim and the management of BSNL, Nagpur ("the Party No. 2" in short) filed their written statement.

The workman's case as per the statement of claim is that he was appointed by the party No. 2 as a part-time Sweeper on 12-11-1991 and subsequently the Assistant Engineer (Telecom) addressed a letter to the Divisional Engineer (Telegraph) to convert him to a full-time workman and accordingly from November, 1994, he started working as a full time employee and his salary was enhanced to Rs. 400 per month, which was enhanced to Rs.800 per month from March, 1999, but all of a sudden, in May, 1999, though the party No. 2 extracted the work of Sweeper from him he was asked to take the salary from the contractor and when he tried to know the reason of the same, he came to know that party No. 2 made the mischief by asking the contractor to show his name as a contract employee and as such, in 2000, he filed an original application before the Central Administrative Tribunal but the Hon'ble Tribunal dismissed the same on 14-1-2005, on the ground of want of jurisdiction and one Shri Uday Gantel, a similarly situated employee like him had also filed an original application challenging the order of his termination from service dated 22-9-1999 and in view of the same, the party No. 2 withdrew the order of his termination and the said Shri Uday was accommodated as a full-time employee with salary as per with other Class-IV employee and Shri Uday was initially appointed in the year 1994 and he is presently working with the Party No. 2. The further case of the workman is that after dismissal of the original application filed by him, he approached the ALC (C) and as the conciliation failed the dispute raised by him was referred to this Tribunal for adjudication and the action of the party No. 2 in terminating his services orally and its attempt to show him as an employee of a contractor are not sustainable and such actions are contrary to the provisions of the Act and while terminating his services, the mandatory provision of the Act were not complied with by the party No. 2 and neither any seniority list was published nor any retrenchment compensation

was paid to him as per the provisions of Section 25-F of the Act, even though, he had already worked continuously for eight years and in contravention of the provisions of Section 25-G of the Act, the party No. 2 regularized the services of number of group D employees, who were appointed subsequent to him and the party No. 2 had issued a letter directing not to terminate even the services of daily wage workers and in pursuance to the said letter, the employee Shri Uday Gantel was reinstated in service, but at the same time, he was not reinstated in service and his termination was in contravention to the said circular, which shows discriminating attitude of the party No.2 and as such, the order of termination of his service w.e.f. 2-5-1999 needs to be quashed and set aside. The workman has prayed to quash and set aside the order of termination of his service dated 2-5-1999 and to reinstate him in service with full back wages and continuity in service.

3. The party No. 2 in its written statement by denying all the averments made in the statement of claim except the filing of the original application before CAT has pleaded inter-alia that the workman was never appointed by it as a Sweeper and the workman was engaged to do the work of Sweeper on contract basis and he used to work for one hour on the day, when work was available and the workman was reluctant to do the duties of Casual Sweeper with meager amount in the department and as such-time and again, he approached the higher authorities for enhancement of his payment on contract basis and as the workman was not satisfied with the amount which he was getting, he himself abandoned the service and the workman had filed OA 2184/2000 before the Hon'ble CAT, wherein Kadir Khan, contractor, Fawara Chowk, Nagpur was made the respondent No. 3 and the workman was in the employment of Kadir Khan, Contractor and was getting Rs. 1200 per month and the workman was lured by the work and the amount offered by the contractor and thus abandoned its (party No. 2's) work in 1999. The further case of the party No. 2 is that Shri Uday Gantel does not belong to its section and as such, it has nothing to say about him and the workman approached this Tribunal, 21 months after passing of the order by the CAT on 14-1-2005 and as the delay has not been explained, the claim of the workman is not maintainable and as the workman abandoned the work, the master-servant relationship came to an end and the question of termination of his services does not arise and contractual employee has no right to claim regularization and as such, the workman is not entitled for any relief.

4. Both the parties have led oral evidence in support of their respective claims, besides relying on documentary evidence. The workman has examined himself as a witness. One Shri Bhimrao, an employee of party No. 2 has been examined as a witness on behalf of the party No. 2.

The workman in his examination-in-chief, which is on affidavit has reiterated the facts as mentioned in his statement of claim. In his cross-examination, the workman has stated that he has no appointment order to show that he was appointed on 12-11-1991 and he had impleaded the contractor, Kadir Khan as a party before CAT. The workman has denied the suggestion that he abandoned the services and remained absent w.e.f. 30-5-99.

Shri Bhimrao, the witness for the party No. 2 has also reiterated the facts mentioned in the WS, in his evidence. However, in his cross-examination, he has admitted that the workman was not working during his tenure in the office and he has no personal knowledge about the duty period and wages of the workman. The witness has admitted that the workman worked from 1991 to 1999 as a part time employee and he was cleaning the office. He has also admitted that he has not filed any document showing that the workman was paid the wages through the contractor.

5. At the time of argument, it was submitted by the learned advocate for the workman that it is clear from the evidence on record that the workman worked continuously from the month of November, 91 till 1-5-99 and he was terminated orally w.e.f. 2-5-99, without compliance of the statutory provisions of Sections 25-F and 25-G of the Act and no compensation or notice was given to the workman, at the time of termination of his service and the party No. 2 has taken the plea that the workman left the work, as he got work through the contractor but no document has been filed by the party No. 2 in support of such contention and the fact of the workman making the contractor Kadir Khan as a party in the OA filed by him before the CAT cannot be taken as evidence in support of the claim that the workman was engaged by a contractor, in view of the admission of the witness examined by the party No. 1 that the workman was working with them from November, 1991 to 1999 and as the mandatory provisions of Section 25-F of the Act were not complied with, while terminating the services of the workman, the termination can be held to be illegal and the workman is entitled for reinstatement in service with full back wages and continuity in service.

In support of such contentions, the learned advocate for the workman relied on the decision reported in 2010 (5) 'Mh LJ pg. 244 (Anoop Sharma Vs Executive Engineer, Public Health Divisions No.1, Panipat).

6. In reply, it was submitted by the learned advocate for the party No. 2 that there was no master and servant relationship between the workman and the party No. 2 and the workman was never appointed as Sweeper by party No. 2, which can be found from the admission of the workman that he has no appointment order to show that he was appointed on 12-11-91 as part time Sweeper and the workman has admitted that he had impleaded contractor, Kadir Khan as respondent No. 3 in the OA filed by him before the CAT and in the reference said Kadir

Khan has not been made a party, so it can be held that the workman has suppressed material facts and on that ground, the reference is liable to be answered in negative and the workman was engaged to do the sweeping work on contract basis, which can be found out from Exts. W-6 and W-7 and as the workman was not satisfied with the amount he was getting, he abandoned the service and the workman in his cross-examination has admitted that there is no termination order issued by the management and there was delay in approaching the Tribunal by the workman and on that ground also, the reference is to be answered in negative.

7. Though the party No. 2 has taken the plea that there is no master and servant relationship between it and the workman and that the workman was engaged to do the sweeping work on contract basis and the workman used to work for one hour on the day, when work was available, no evidence has been adduced in support of such claim, except the oral evidence of Shri Bhimrao, who has admittedly no personal knowledge about the working hours and wages of the workman. Moreover, the witness for the management has categorically admitted that the workman worked from 1991 to 1999 as a part time employee and he was cleaning the office. The witness has also admitted that no document has been filed by the party No. 2 to show that the workman was paid wages through the contractor. He has further admitted that no compensation has been paid to the workman.

8. In the written statement, the party No. 2 has taken the plea that the workman was engaged on contract basis. It has not taken the plea that the workman was engaged through the contractor, Kadir Khan. Hence, the admission of the workman that Kadir Khan was made as respondent No.3 in the OA filed by him before the CAT cannot be taken as evidence in support of the claim that the workman was engaged on contract basis. Rather, such statement supports the claim of the workman that in May, 1999 he was asked by the party No. 2 to take salary from contractor and that the party No. 2 made mischief by asking the contractor to show the workman as contract employee.

9. As already mentioned above, the party No. 2 has not filed any document in support of its claim. On the other hand, the workman has filed number of documents in support of his claim. He has filed experience certificates issued by the authority of the Telecom Department, where he was working as a part time Sweeper since November, 1991. The workman has filed the copy of the office letter dt. 30-6-94 of the Assistant Engineer, Telecom addressed to the Divisional Engineer, Telegraph, Long Distance, Nagpur-1 to make the workman a full time sweeper on the ground of the workman performing full time duty. It is also found from the letter of the DE Telecom dt. 22-11-94 that the wages of the workman was increased to Rs. 400 from Rs. 300 per month. Though some of the documents filed by

the workman show that he was working on contract basis, the minutes of the RCM meeting held on 5-10-99 shows that the workman was working as part time Sweeper with the party No. 1. It was also found that in the meeting held on 5-10-99, which was presided by the Chief General Manager, Maharashtra Telecom Circle, Mumbai, it was decided that the workman and some other employees, who were working as part time Sweeper should be regularized in service and should be treated as regular staff. It is also found from minutes of the RCM review meeting held on 3-7-2000, which was presided by the Chief General Manager and attended by other officials of the party No. 2 and the representatives of the staff that it was decided in that meeting to reinstate the part time labourers of Nagpur, who were removed from service, immediately and such cases are to be settled by DGM(A), Nagpur immediately.

In view of the evidence on record, it is found that the workman was working as a part time Sweeper with party No.2 continuously from the year 1991 till 1st May, 1999 and he was retrenched from service by the party No. 2 without compliance of the mandatory provisions of Section 25-F of the Act and as such, the termination of the service of the workman is illegal. In view of the decisions taken in the meetings held on 5-10-99 and 3-7-2000 and in view of the DOT order No. 269-13/99-STN-II dt. 12-2-1999 (which is in regard to entitlement of casual mazdoors engaged by DOT/Field units to get temporary status) and about which there is mentioned in the minutes dt. 5-10-99 under item No. 9, the workman is entitled for reinstatement in service with continuity.

So far the question of payment of back wages is concerned, it is well settled that the initial burden is on the workman to plead and prove that he was not gainfully engaged after the date of his alleged termination. In this case, though the workman has stated in his evidence that he is not gainfully engaged after termination of his service, there is no such pleading in his statement of claim. In absence of any pleading in that respect in the statement of claim, the bare statement of the workman in his evidence in that respect cannot be taken into consideration. Hence, it is held that the workman is not entitled for any back wages. Hence, it is ordered:

ORDER

The action of the Director of Maintenance, Western Telecom Region, BSNL, Nagpur in terminating the services of their workman Shri Govardhan D. Usarbarse w.e.f. 2-5-99 is not legal and justified. The workman, Shri Govardhan D. Usarbarse is entitled for reinstatement in service with continuity. The workman is not entitled for any back wages. The party No. 2 is directed to reinstate the workman in service with continuity, within one month from the date of notification of the award in official gazette.

J.P. CHAND, Presiding Officer

नई दिल्ली, 7 जुलाई, 2011

का.आ. 2010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रसार भारती ब्रॉडकास्टिंग कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 34/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-2011 को प्राप्त हुआ था।

[सं. एल-42011/35/2010-आई आर(डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 7th July, 2011

S.O. 2010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Prasar Bharati Broadcasting Corporation of India, Doordarshan Kendra and their workman, which was received by the Central Government on 7-7-2011.

[No. L-42011/35/2010-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Thursday, the 30th June, 2011

Present: A. N. Janardanan, Presiding Officer

Industrial Dispute No. 34/2011

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Prasar Bharati, Broadcasting Corporation of India, Doordarshan Kendra and their Workman]

BETWEEN

Sri H. Danesh and 12 Others : 1st Party/Petitioner

Vs.

1. The Director : 2nd Party/1st
Prasar Bharati, Broadcasting Respondent
Corporation of India,
Doordarshan Kendra,
Swami Sivananda Salai,
Chennai-600005

2. The Director : 2nd Party/2nd
Prasar Bharati, Broadcasting Respondent
Corporation of India,
Doordarshan Kendra,
Mandi House,
New Delhi

APPEARANCES:

For the 1st Party/Petitioner : M/s. Row & Reddy,
Advocates.

For the 1st & 2nd Party/
Management : M/s B. Sekar, ASGC

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42011/35/2010-IR (DU) dated 4-4-2011 referred the following Industrial Disputes to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the bank management of Prasar Bharati Broadcasting Corporation of India, Doordarshan Kendra in not paying Ad-hoc Bonus to Sri H. Danesh and 12 Others (as per Annexure from the financial year 1999-2000 onwards is legal and justified? If not, since when and what relief the workman are entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 34/2011 and issued notices to both sides. Both sides entered appearance through Counsel and filed their Claim, Counter and Reply Statement as the case may be.

3. The contentions in the Claim Statement bereft of unnecessary details are as follows:

The petitioners, 13 in number admittedly working under the 2nd Respondent since 1989-1992 as casuals for 18-21 years have put in more than 240 days each calendar year. By a circular dated 28-3-1996 they were decided to be engaged on casual basis for 5 days in a week. The engagement of casual labour was decided to be minimum not going beyond 18 days a month. As per circular issued by the Government of India they are eligible for NPB (Ad-hoc Bonus) from 1999-2000. But the same has been denied to them under some pretext or the other. As per an OM dated 30-9-2004 of the Ministry of Finance, Department of Expenditure, Government of India grant of NPB (Ad-hoc Bonus) for 2003-2004 to Central Government Employees in Group 'C' and Group 'D' and Group 'B' Non-Gazetted Employees not covered by any productivity linked bonus scheme was sanctioned. Under 2(ii) of the OM casual labourers who have worked in offices for 206 days in each year for 2 years or more, in cases of Offices observing 5 days a week will be eligible for Non-Productivity Linked Bonus payment. Petitioners have admittedly put in 206 days of service every year. Their representation for bonus remains without a reply. In ID 9 of 2010 as per award dated 21-5-2010 this Tribunal has found that petitioners have put in more than 240 days of service and are entitled to regularization which has not been implemented. An ID was raised and got referred on the issue relating to payment of Ad-hoc Bonus as the present

one. Hence the prayer for directing payment of ad-hoc Bonus from 1999-2000 onwards.

4. Counter Statement contentions bereft of unnecessary details are as follows:

Petitioners have been working as casual labourers for several years as per interim orders of the High Court from time to time. It is denied that they worked for 240 days each in each calendar year. As admitted by them only in 2000 they worked for 240 days. The circular dated 28-3-1996 of the 1st Respondent regarding 5 days week system is only applicable to regular employees under R2 and not applicable to petitioners. As admitted by the petitioners they are engaged in shifts on rotation basis for 7 days in a week. They are to be governed only under 6 days week system i.e. 240 days in a year. The 2nd Respondent functions round the clock on shift basis. They have to work for 240 days in each year for 3 years to become eligible for Ad-hoc bonus. Appeal is pending against the award dated 21-05-2010 of this Tribunal. ID is to be dismissed.

5. Reply Affidavit averments in a nutshell are as follows:

Petitioners have been engaged for 18 days a month excluding Saturdays and Sundays though the work is available throughout the month. They had been working without the protection of Court Orders until 1999. Since they have been engaged by the Administration Department as such 5 days a week system shall prevail for the grant of Ad-hoc bonus. Circular does not distinguish between regular and casual workers. Para-2(ii) of the OM covers casual labourers under Central Government. They have been engaged in pseudo names beyond the period of 18 days in a month.

6. Evidence consists of the testimony of WW1 and Ex.W1 to W30 on the petitioner's side and of MW1 and Ex.M1 to Ex.M8 on the Respondent's side, all marked on mutual consent, however subject to objection regarding calculation of the bonus amount and the eligibility for bonus. WW1 has not been chosen to be cross-examined.

7. Points for consideration are:

(i) Whether action in not paying Ad-hoc Bonus to the workmen/petitioners from the Financial Year 1999-2000 onwards is legal and justified?

(ii) Since when and what relief are the workmen entitled to?

Points (i) & (ii)

8. Heard both sides and perused the written arguments of both sides, the records and documents. Both sides keenly argued in terms of their written pleadings. Reliance was placed also on the decision of the Supreme Court in workmen of American Express International

Banking Corporation Vs. Management of American Express International Banking Corporation (1985-4-SCC-71) on behalf of the petitioner wherein it was held that provisions of welfare legislation should be construed liberally and that expression "actually worked under the employer" in Section-25B (2) (a) (ii) must necessarily comprehend all those days during which the workmen was in the employment of the employer. Here is an instance of workmen who claim benefit of payment of ad-hoc bonus from the year 1999-2000 onwards as per circular issued by Government which circular and OM issued from time to time and as modified from time to time in miniature details provide for eligibility to casual labourers who worked in offices for 206 days in each year for 2 years or more in the case of Officers observing 5 days week. It is also their case that since they have been engaged by the Administration Department they come under the purview of 5 days a week system for the purpose of grant of ad-hoc bonus and the circular does not distinguish between regular and casual workers. Again they have a case that they have been engaged in pseudo means beyond the period of 18 days in a month for which they have been engaged a month excluding Saturdays and Sundays though the work is available throughout the month. A perusal of the OM or the circular does not show that the petitioners who are casuals are entitled to payment of the ad-hoc bonus. When they are admittedly casuals for the eligibility they have to render actual service of 240 days each for 3 years or more an year under the 6 days week system or for 206 days for 3 years or more each year under the 5 days week system. The circular specifically excludes persons working on shift. Though there is an award for regularization in their favour on a finding that they have worked for not less than 240 days in a calendar year that condition is not enough for satisfying the eligibility criteria for the payment of the ad-hoc bonus. Again that after 18 days a month they have been made to work in pseudo names is a matter which is especially within the knowledge of the petitioners to be proved by them for enuring any benefit to them by reason of that. Though their evidence by way of Proof Affidavit in lieu of Chief Examination remains not chosen to be cross-examined the facts sworn to therein cannot be found to attach any special importance as an untouched case of testimony since they are only self-serving statements and have not been apt to elevate their case as being proved from the nature of their self-serving statements. The decision of the Supreme Court cited to support their case on facts has no bearing to the factual scenario of the case of the petitioners. That by reason of themselves having been engaged only by the Administration Department for various functions on shift or rotation basis does not thereby lead to an irresistible inference that they are to be taken to be under the purview of 5 days week system, as argued. On an overall consideration of the matters it can be said the petitioners do not come under the purview of the different circulars or OMs extending ad-hoc bonus issued

by the Government of India from time to time. Therefore, action in not paying ad-hoc bonus to the workmen/petitioners from the financial year 1999-2000 is only to be held as legal and justified and it is so found. Petitioners are not entitled to any relief.

14. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th June, 2011)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri D. Ramesh
For the 2nd Party/Management : MW1, Sri M. Anandan

Documents Marked:

On the petitioner's side

Ex. No.	Date	Description
(1)	(2)	(3)
Ex.W1	09-09-1993	Letter from the 2nd Respondent Kendra to the 1st Respondent regarding engagement of casual Labours
Ex.W2	20-09-1995	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 1994-1995
Ex.W3	28-03-1996	Circular issued by the 2nd Respondent Kendra regarding working hours
Ex.W4	17-10-1996	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 1995-1996
Ex.W5	16-09-1998	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government employees for the year 1997-1998
Ex.W6	8-10-1999	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government employees for the year 1998-1999
Ex.W7	20-09-2000	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 1999-2000

(1)	(2)	(3)
Ex.W8	16-10-2001	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 2000-2001
Ex.W9	31-10-2001	Representation from the petitioners to the 2nd Respondent for payment of adhoc bonus
Ex.W10	7-10-2002	Office Memorandum issued by the Government of India regarding grant of adhoc bonus to the Central Government Employees for the year 2001-2002
Ex.W11	11-10-2004	Circular issued by the 1st Respondent enclosing a copy of the Officer Memorandum issued by the Government of India regarding grant of ad-hoc bonus to the Central Government Employees for the year 2003-2004
Ex.W12	18-10-2004	Representation from the petitioners to the 2nd Respondent for payment of ad-hoc bonus with acknowledgement card
Ex.W13	23-12-2004	Reply given by the 2nd Respondent Kendra to the petitioners regarding payment of ad-hoc bonus
Ex.W14	29-9-2005	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 2004-2005
Ex.W15	25-09-2006	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 2005-2006
Ex.W16	11-09-2007	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 2006-2007
Ex.W17	05-09-2008	Office Memorandum issued by the Government of India regarding grant of ad hoc bonus to the Central Government Employees for the year 2007-2008
Ex.W18	28-08-2009	Office Memorandum issued by the Government of India regarding grant of ad-hoc bonus to the Central Government Employees for the year 2008-2009

(1)	(2)	(3)
Ex.W19 07-01-2010		Order passed in WP No. 7689 of 2003 and WP No. 21976 of 2004
Ex.W20 11-03-2010		Letter from the Ministry of Labour and employment regarding reference of bonus dispute
Ex.W21 31-03-2010		Dispute raised by the petitioners before the Regional Commissioner of Labour, Chennai regarding payment of ad-hoc bonus
Ex.W22 06-04-2010		Conciliation Notice issued by the Regional Commissioner of Labour, Chennai regarding payment of ad-hoc bonus
Ex.W23 -		Reply given by the 2nd Respondent to the Conciliation Officer for payment of ad-hoc bonus
Ex.W24 26-04-2010		Failure Report submitted by the Conciliation Officer, Chennai to the Ministry of Labour, Government of India
Ex.W25 15-06-2010		Award passed in ID No. 09 of 2010 directing the Respondents to regularize the petitioners service
Ex.W26 22-09-2010		Office Memorandum issued by the Government of India regarding grant of adhoc bonus to the Central Government Employees for the year 2009-2010
Ex.W27 13-01-2011		Legal Notice issued by the petitioners to the Ministry of Labour, Government of India
Ex.W28 -		Details of the petitioners
Ex.W29 -		Statement showing number 0 days worked by the petitioners in the 2nd Respondent Kendra
Ex.W30 -		Amount of bonus payment to the petitioner from the year 1999-2000 onwards
On the Management's side		
Ex.No.	Date	Description
Ex.M1	-	Details of days worked by the petitioners
Ex.M2	28-03-1996	Circular regarding 5 days week system
Ex.M3	August 2002	Duty Chart for the month of August 2002
Ex.M4	27-08-2002	Representation of the petitioners

(1)	(2)	(3)
Ex.M5 22-01-2003		Memo issued to the petitioners
Ex.M6 30-09-2004		OM issued by M/o Finance regarding grant of NPL Bonus (Ad-hoc)
Ex.M7 18-10-2004		Representation of the petitioners
Ex.M8 23-12-2004		Memo issued to the petitioners regarding payment of NPL Bonus (Ad-hoc)

नई दिल्ली, 8 जुलाई, 2011

का.आ. 2011.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद न. 2 के पंचाट (संदर्भ संख्या 33/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-2011 को प्राप्त हुआ था।

[सं. एल-20012/330/1990-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th July, 2011

S.O. 2011.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/1993) of the Central Government Industrial Tribunal-cum-Labour Court No. -2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 8-7-2011.

[No. L-20012/330/1990-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 33 of 1993

PARTIES : Employers in relation to the management of Ena Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee, Advocate.

On behalf of the employers : Mr. S. N. Sinha,
Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st June, 2011

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/330/90-IR (Coal-I), dated the 12th April, 1993.

SCHEDULE

"In the demand of Rashtriya Colliery Mazdoor Sangh that Shri Ram Charitra Singh, Crane Operator at Ena Colliery of Area No. 8 be placed in Gr. A (Excavation) justified? If so, from what date and if not, to what relief the workman is entitled to?"

2. The case of the workman as sponsored by the Union concerned is that workman Ram Charitra Singh has been continuously working as Crane Operator at Ena Colliery since 2-9-1981 as per the authorisation letter dt. 3-10-1982 of Sri S. K. Sen, Senior Executive Engineer, R.O.C./S.J. to do so independently, for he was posted at R.O.C.P. and accordingly he continued to perform the job of Crane Operator at place wherever he has been transferred. Previously in his industrial dispute under Ref. No. 32/84 raised for his accordingly designation and placement in Gr. A (Excavation) w.e.f. 1st Sep., 1992, the Central Government Industrial Tribunal No. II by its award dated 14-7-1986 held that he could not be put in the Gr. 'A' (Excavation), as he had not worked for seven years at Crane Operator. As per the job description and job nomenclature Crane Operator Gr. 'A' (Excavation) has been put as Crane Operator Gr. I and as such the words appearing as Crane Operator Gr. A is to be taken as Crane Operator Gr. I. Since the workman has completed more than 7 (Seven) years since 2-9-1988 as a Crane Operator, hence the industrial dispute was raised for claim of Gr. 'A' (Excavation), but the management did not consider his genuine demand hence the reference for adjudication. Thus the demand of the workman is entirely justified.

3. Further, it is pleaded on behalf of the workman in rejoinder that as per the letter dt. 1-9-81 issued by Sri S.K. Sen, Sr. Executive Engineer (Exca.) to the workman which is self explanatory, he was allowed and authorised to operator Jones Crane Operator with its operators for learning the technique of its operation as trainee and after satisfactory completing the training he was authorised by the letter dt. 1-10-82 to Operate the Crane (Jones) independently since 3rd October, 1982. Neither of the said letter was withdrawn so they are valid as the aforesaid Sr. Executive Engineer, had authority to issue them. The Crane (Jones) was

continuously made available to the workman for its operation in Ena Colliery under Kustore Area until his stoppage of work from 17-7-96 by the management just after his objection to work as Dumper Operator as directed by the Management during pendency of adjudication in the said industrial dispute related to designation and wages as with the workman. His letter dt. 28-10-86 to the Chief Mining Engineer of Kustore Area for intimation to take charge to work as Crane Operator, his designation as Crane Operator as noted in his duly filled form dt. 15-9-92, leave slip dt. 20-10-93, the Form dt. 23-12-95, his leave application dt. 10-2-96 as in its enclosure to letter dt. 6-5-94 for attending workers education programme, Form dt. 27-1-94 and remark dt. 20-8-94 of the Competent Authority indicate that he has been working as Crane Operator in the Colliery since his joining there.

4. Whereas with categorical denials, the case of the Management is that Sri Ramcharitar Singh was appointed as Dumper Operator in Gr. 'D' on 27-9-97 at ROCP/SJ Colliery. He was promoted to Grade 'C' from Grade 'D' on 1-10-80, again to Grade 'B' w.e.f. 22-2-83. As per provision of Cadre Scheme, there is no availability of higher capacity Dumper Operated by Gr. 'A' Dumper Operator. Hence no Dumper Operator was promoted in Grade 'A'. Thus all Dumper Operator are working in Gr. 'B'. The workman was not considered for promotion to Grade 'A' as Crane Operator. The workman was given a letter dt. 1-9-81 by Sri S. K. Sen; Sr. Executive Engineer (Exca.) vide letter No. ROCP/SJ/B1-82/393 dt. 1-9-83, and was authorised to operate Crane for learning Crane Operator. The same Officer gave him an authorisation letter on 3-10-82 to operate independently. But the workman got both letters from aforesaid Sri Sen by influencing him and thereafter he (Sri Sen) was transferred to other place. The aforesaid Engineer had no power to authorise any workman to operate or work on higher capacity as this power vests with the Agent/Project Officer. The workman was authorised to learn the Crane with Crane Operator, but it does not mean that he became Crane Operator, and the Management denies the validity of the aforesaid certificates. Moreover, the Jones Canne was shifted from ROCP to Tasra Project and the workman worked at ROCP upto 1984 and in the same year he was transferred to Kustore where he worked as Dumper Operator. The L.P.C., Form 'B' and the Service File under signature of the workman maintained at Kustore show his designation as Dumper Operator and as Dozer Operator respectively, but he did not protest it in writing. On his retransfer to Ena Fire Project w.e.f. 25-11-87, the designation of the workman as Dumper Operator is continuing. He has accepted the same designation even in his Form 'B' Register by signing it. He never worked as Crane Operator.

5. Further case of the Management is that as per Wage Board Recommendation the job description,

qualification of experience etc. for different categories of workmen employed in Excavation Project M/s. N.C.D.C. were prescribed, were adopted by it as well as by the Coal India Ltd. The job description for Crane Operator Grade 'A' shows that he should be highly skilled workmen, having not less than 7 (Seven) years experience in operation and handling of heavy duty mobile crane with a capacity of not less than 40 Tons. The workman had raised such industrial dispute through R.C.M.S., its failure under Ref. No. 32/84 wherein the Tribunal had held as per its Award dt. 14th July, 1986 the workmen could not be designated as Crane Operator in Grade-I, with effect from 1-9-82. Even then, he again referred the matter through the R.C.M.S. to Ministry of Labour which also as per its letter dt. 30-1-91 observed that the dispute to have been already adjudicated by the CGIT 2, Dhanbad in the aforesaid reference case. But as per direction of Hon'ble Patna High Court, Ranchi Bench in C.W.J.C. No. 224/1992 filed by the workman this dispute has been again referred to this Tribunal for adjudication on its terms. In reality the workman has never handled a Crane nor been sincere to his work as Dumper Operator. So he is not entitled to any relief whatsoever. Moreover, the B.C.C.L. is a Government Company U/s 161 of the Company Act which is wholly financed by the Central Government so all the employees of the Company are the Public Servant U/S 21(12) of the I.P.C.

6. The Management has stated in its rejoinder that the workman got false certificate from Sr. Executive Engineer, S. K. Sen who was about to retire. In addition to it, the letter of authority dt. 2-10-82 has no official reference as required to be incorporated. He has never worked as Crane Operator nor completed 7 years of services. So he does not deserve to be promoted in Gr. 'A' as he is basically a Dumper Operator.

FINDING WITH REASONING

7. In this Reference case WW-1 Ramcharitar Singh, the workman himself on behalf of the Union, MW-1 See Shankar Prasad, the Clerk of Personnel Department and MW-2 B. Mishra, the Manager of Ena Colliery on behalf of the management have been examined in support of their respective cases.

8. The Statement of Workman Ramcharitar Singh as WW-1 is that after getting the training of Crane Operator as authorised by the Management, the Management in the month of October, 1982 (Ext. W-1) authorised him to operate the Crane and the aforesaid authorisation letter dt. 3-10-82 was issued by Mr. S. K. Sen, Senior Executive Engineer, since then he has started operating the Crane continuously. He has also raised an industrial dispute under Ref. No. 32/84 following the refusal of his such representation by the Management for regularisation of his service as Crane Operator in the year 1983 and therein the Tribunal in the year 1986 passed an Award in favour of

the management, holding him (the workman) having no required experience for 7 years and thereafter having completed the service as Crane Operator for the said period he again represented the fact before the management in the year 1990 for his accordingly regularisation. But the management did not consider his prayer. The workman (WW-1) has admitted that in the year 1984 the Management transferred him at Kustore Area, where no Crane was to be operated. But on his transfer to the Ena Colliery in 1987 where he continuously worked as Crane Operator since then upto the year 1996 when he was stopped from working as the Crane Operator.

Further by virtue of his letter, (photo copy of the letter dated Nil as Ext. W-2) over which as per recommendation of the Executive Engineer, K. K. Sinha dt. 20-8-88 as (Ext. W-2/1) in the favour of the workman to regularise his service as Crane Operator as well as the letter issued by the Manager concerned with a list of employees (the letter dated 6-5-94 as Ext. W-3) for training his leave application (dt. 20-10-93) and 27-1-1994 — photo copies marked as Ext. W-4 and W-5 respectively issued by the Management in his favour — all the documents are alleged to prove his designation as Crane Operator, the workman appears to have claimed for regularisation as Crane Operator Grade-A/I (Excavation) with other consequential relief from 1988. The workman WW-1 has admitted that he had previously raised the Industrial Dispute under Ref. No. 32/84, then again in the year 1991 before the ALC (C) which ended in failure then it was refused by the Ministry. Hence as per the decision of the double Bench in his appeal against the disposal of his Writ Petition by the Hon'ble High Court, Patna, Ranchi Bench against him the present reference came for adjudication.

9. Whereas the averment of MW-1 See Shankar Prasad the P. O's Clerk of Ena Colliery since 1990 is that the concerned workman started to work as Dumper Operator in Excavation Grade-C at Ena Colliery and he has been placed in Special Grade since 1-1-2005, and his Form B Register under Sl. No. 3975 (Ext. M-1 with objection) duly attested by the Dy. P. M. and the Project Officer concerned of the colliery which is under the signature of the workman (Ext. M1/1), the forwarding letter [(dt. 29-8-2001) of the Project Officer of Kustore Colliery of his counterpart of Ena Colliery (Ext. M2) the Office Orders of the Ena Colliery (dt. 24-9-96, 9-10-96, 7-4-97, 12-9-2002, 18-11-2002, 8-10-2003, 27-9-2003 (double) and 14-1-2004] (Ext. M-3 series), how the designation of the workman Ramcharitar Singh as Dumper Operator. Expressing ignorance of which work the concerned workman is working about the attendance register called for the period 1987—1996, the witness (MW-1) has stated that in the year 1996 the Management did not allow the workman to work further as Crane Operator for which he raised an objection as he raised the objection the management stopped him from work.

10. The perusal of the statement of MW-2 B. Mishra the Manager of the Ena Project transpires that the Agent as H.O.D. is the competent authority to authorise a person as per Coal Mines Regulation to upgrade, degrade or to keep in the same grade an employee. According to him Mr. S. K. Sen, the Engineer was not competent authority to issue any authorisation letter in connection with Crane Operator (Ext.W-1 identified). The witness has asserted since his joining in Nov., 2000 workman Ramcharitar Singh was working as Dumper Operator till date and accordingly he was on the roll of Dumper Operator and he also began to work as Dumper Operator in 2003 but he never worked as Crane Operator. So his demand was not justified. He has also asserted the Crane Operator has been described as Competent Person in the Coal Mines Regulation but later on he unasserted unless the Book is seen by him whether it is so as per the Coal Mines Regulations.

11. Mr. D. Mukherjee, the Ld. Advocate for the Union concerned referring 1967 (I) LLJ 423, Delhi Cloth General Mills Ltd. and their workmen as held therein, submits that the Tribunal must confine its adjudication to the points of dispute referred to and the matters incidental thereto in another words, the Tribunal is not free to enlarge the scope of the dispute referred to but must confine its attention to the points specifically mentioned and anything which is incidental thereto.

12. Elucidating the meaning of "Industrial Dispute" U/s 2 (k), 7A.10. Sub. 3, item 7 of the Industrial Disputes Act, 1947 as the demand of the workman to confirm employees employed in an acting capacity in a Grade as held in the Case of workmen — Versus — Hindusthan Lever Ltd., AIR 1984 SC 1683 the plea of Mr. Mukherjee, the Ld. Counsel for the Union is that the workman as per authorisation letter dated 3-10-82 (Ext.W-1) followed by recommendation dt. 20-1-88 of the Executive Engineer K. K. Sinha (Ext.W-2/1 over Ext.W-2, the photo copy of the workman's application) for regularisation, the workman has completed seven years experience as the Crane Operator in the terms of the previous Award dt. 14-7-86 passed in Ref. 32/1984 wherein the workman was held not qualified to be designated as Crane Operator in lack of his aforesaid experience, but now he has completed so he is entitled to his Grade-A/I. He also submits that regularisation/confirmation cannot be denied on the ground of having no qualification as held in 1990 SCC (L & S) 174 (CB), Bhagabati Prasad — Versus — Delhi State Mineral Corp. Whereas Mr. S. N. Sinha, the Ld. Advocate for the management has contended that the aforesaid authorisation letter having no reference No. (official) could not be a valid document of authorisation by a competent authority. At this point as per the evidence of MW-2 B. Mishra the Manager, Ena Project Mr. S. K. Sen, the Engineer concerned was not competent to issue any authorisation letter in connection with Crane Operator, rather the Agent as H.O.D. is competent to do so as per Coal Mines Regulations. In fact, in lack of specific

definition of the terms "Competent Persons" either in the Coal Mines Regulation, 1957 or in the Mines Act, 1952, the positive inference of the terms "Competent Persons" as apparent from Rule 39 of the aforesaid Coal Mines Regulations dealing under Heading "The duties of competent persons" every competent person shall be subject to the order of superior Officers and shall not —

- (a) depute another person to perform his work without the sanction of his superior official;
- (b) without permission from such official, perform during his shift any duties other than those for which he has been appointed

as also evident from the Section 2 (1) (h) of the aforesaid Mining Act which deals with as under "a person is said to be "Employed" in a Mine who works as a Manager or who works under appointment by the Owner, Agent or Manager of the Mine or with the Knowledge of the Manager, whether for wages or not —

- (c) in operating, servicing, maintaining, or repairing any part of any machinery used in or about the mine; ... "

lead me to assert that aforesaid Senior Executive Engineer was not competent to authorise the workman working as Dumper Operator to act as a Crane Operator without any sanction of his Superior Officials.

13. In the instant case, it is an indisputable fact that the workman had also filed the same and similar industrial dispute under Ref. No. 32/84 for his claim for his placement in Grade-A/I (Excavation) as in the present case under adjudication, and in that case his demand was held unjustified, hence he was not entitled to any relief on the basis of the aforesaid authorisation letter or the recommendations concerned. So the present Reference is hit by the principle of res-judicata under Section 11 of the Civil Procedure Code, as the claim was directly and substantially under adjudication was accordingly decided in the previous reference of the workman and the management.

13. So far as the payment with regard to his claimed Grade-A/I from 1988 with the consequential relief in the terms of wages is concerned, I find the claim also appears to be untenable because of the fact it has not been specifically pleaded nor deposed rather it was too vague to ascertain the period of his alleged working as Crane Operator.

On the consideration of all the materials available on the case records, I find and hold that the claim/demand of the Union concerned that Shri Ramcharitar Singh, Crane Operator at Ena Colliery of Area No. VIII for his placement in Grade-A excavation is totally unjustified; hence the workman is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 8 जुलाई, 2011

का.आ. 2012.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 90/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-2011 को प्राप्त हुआ था।

[सं. एल-20012/32/2003-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th July, 2011

S.O. 2012.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 8-7-2011.

[No. L-20012/32/2003-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE LOK ADALAT AT CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 90 of 2003

PARTIES : Employers in relation to the management of
Western Jharia Area of M/s. BCCL and their
workman.

APPEARANCES :

On behalf of the workman : Shri B. K. Singh,
Joint General Secretary,
RCMS, Dhanbad and
Nandlal Manjhi, the
workman concerned.

On behalf of the employers : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 27th June, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section, 10(1)(d) of the I.D. Act, 1947 has referred the following

dispute to this Tribunal for adjudication vide their order No. L-20012/32/2003-IR (C-I), dated 22-8-2003.

SCHEDULE

“Kya Messrs. Bharat Coking Coal Limited key pravandhtantra dwarA karmkar Shri Nandal Manjhi Miner/Loader Karmi Sankhya 02985851, Bhatdin Koyala Khadan, ko dinank 28-10-2000/7-11-2000 sey sevachut karna uchit evam sahi hain? yadi nahi, to karmkar kin labo ko paney ka hakdar hain?”

2. Today the case record put up before the Lok Adalat. Shri B. K. Singh, the Joint General Secretary, RCMS, Dhanbad and the workman Nandlal Manjhi are present.

3. The representative of workman in view of the petition dated 17-6-2011 has submitted that the matter has already been settled for afresh appointment of the workman as agreed by them, so the workman does not want to proceed with the case, as the workman Nandlal Manjhi as per Management's letter dated 13-4-2011 has been allowed for fresh appointment subject to the withdrawal of this case; hence the workman does not want to proceed with the case.

4. Perused the case record. I find that the case has been pending for the evidence of the management on preliminary point with regard to the schedule related to the dismissal of workman, Nandlal Manjhi Miner/Loader, of Bhatdih Colliery w.e.f. 28-10-2000/7-11-2000. Meanwhile as per approval of the management vide letter dated 13-4-2011 for afresh appointment of the workman, who was dismissed for his long absentism the representative of the Union/Workman appears to be disinclined to proceed with the case. Hence, no longer industrial dispute exists. Therefore, the case is closed and accordingly disposed of.

KISHORI RAM, Presiding Officer

नई दिल्ली, 8 जुलाई, 2011

का.आ. 2013.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 76/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-2011 को प्राप्त हुआ था।

[सं. एल-20012/265/1998-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th July, 2011

S.O. 2013.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/1999)

of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 8-7-2011.

[No. L-20012/265/1998-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 76 OF 1999

PARTIES : Employers in relation to the management of Kenduadih Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 22nd June, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/265/98-IR (C-I), dated the 28th January, 1999.

SCHEDULE

“Whether the action of the management of Kenduadih Colliery of M/s. BCCL in not providing

employment to Sri Ram Sevak Harijan, S/o Late Naresh Harijan, Ex-M/Loader, without assigning any specific reason is justified? If not, to what relief Sri Ramsevak Harijan S/o Late Naresh Harijan is entitled?”

2. Neither Mr. S. N. Goswami, the Ld. Advocate for the sponsoring Union nor Mr. H. Nath, the Ld. Advocate for the management is present nor any witness for the workman has been produced on behalf of the concerned/ Union.

3. Perused the case record, I find the present reference relates to not providing any employment to Sri Ram Sevak Harijan son of late Naresh Harijan ex-M/ Loader without assigning any specific reason by the management. Previously as the case had been pending for the evidence of workman since 6-7-04 but the case of the workman was closed on account of the failure of the sponsoring Union to produce any witness on behalf of the workman on 13-1-06. Since thereafter it ran for the evidence of the management up to 30-11-07. But later on after hearing the petition dated 28-2-08 filed on behalf of the representative of the workman for recall of the order dated 13-1-06, again the workman/Union was allowed to produce witness on behalf of the workman as per order dated 28-2-08 of the Tribunal. But even then, despite the registered notices dated 1-12-2010 and the show cause notice dated 29-4-2011 having been issued to both the parties neither of the parties appeared nor any WW was produced on behalf of the workman.

4. Under these circumstances, I find as it appears from the conduct of the sponsoring Union as well as the management, that none is interested in pursuing the case nor the sponsoring Union appears to be interested to contest the case for the reason best known to it. Hence, due to disinterestedness of the Union/workman in producing any witness, apparently no industrial dispute seems to exist. Moreover, this is the oldest case of the year 1999. Hence it is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer